

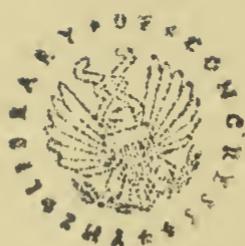
E 458

.3

W 185



0 012 027 035 7



permalife®  
pH 8.5

E 458  
.3  
.W185  
Copy 1

Price, by Mail, prepaid, 25 cts.

# SPEECHES FOR THE TIMES.

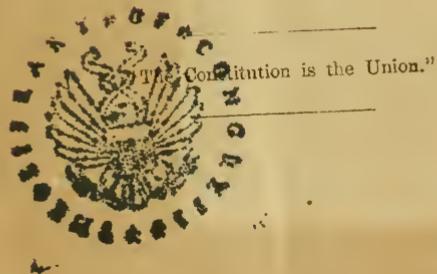
BY

HON. JAMES W. WALL,

OF NEW JERSEY.

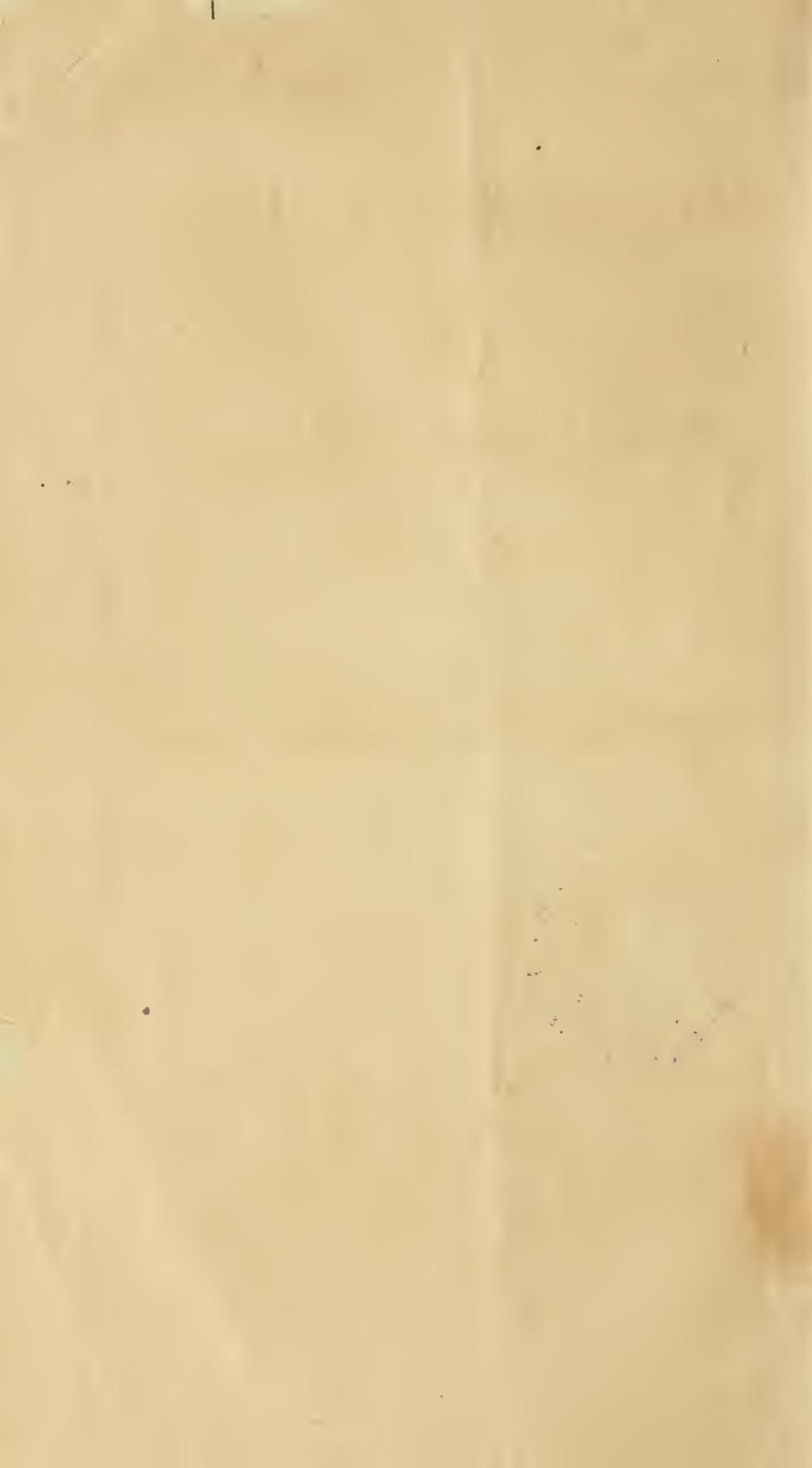
WITH

A SKETCH OF HIS PERSONAL AND POLITICAL HISTORY.



NEW YORK:  
PUBLISHED BY J. WALTER & CO.,  
19 CITY HALL SQUARE.  
1864.

Liberal Discount to Agents and the Trade.



# SPEECHES FOR THE TIMES

BY

HON. JAMES W. WALL,  
"

OF NEW JERSEY.

WITH

A SKETCH OF HIS PERSONAL AND POLITICAL HISTORY.

---

"The Constitution is the Union."

---



NEW YORK:  
PUBLISHED BY J. WALTER & CO.,  
19 CITY HALL SQUARE.  
1864.

E 458  
.3  
W185

Entered according to Act of Congress, in the year 1864,

By J. WALTER & CO.,

In the Clerk's Office of the District Court of the Southern  
District of New York.

By Transfer  
NOV 13 1922

Jan. 4, 1923

m.w.b.

## PUBLISHERS' NOTICE.

---

AMONG the works we are getting off, soon to be offered to the public, is a volume of about 600 octavo pages, entitled "SPEECHES FOR THE TIMES, BY EASTERN MEN—FRANKLIN PIERCE, JAMES A. BAVARD, ISAAC TOUSEY, JAMES W. WALL, WM. B. REED, BENJAMIN WOOD, CHAS. INGERSOLL, JOHN McKEON, and THOS. H. SEYMOUR."

These speeches have, in nearly every case, been selected and revised by their authors, with special reference to their appearance in the work referred to; and the several sets are in most instances preceded by a sketch, giving some account of the personal and political history of the author.

The three speeches contained in this pamphlet, also the sketch that precedes them, will appear in that work; but we have concluded to anticipate their publication in that form, and give them an earlier and wider circulation in the way here presented. During the intensely exciting scenes into which we are now entering, the mass of the people will be more disposed to buy and read small books than large ones; and the works that will be most eagerly sought for, by the class of people for whom we are writing and publishing, will be those which give the matured convictions of men who, from the first and at all times, regardless of danger to liberty or life, have firmly denounced the unwise, wicked, and unconstitutional war, which for the last three and a half years has been desolating our once happy and prosperous land.

The zeal of new converts to the doctrines of peace is needed to give additional force to the great movement, before which the wild tumult of war is soon to be hushed. But these new converts, with hands not always unstained with the blood of men slain in this murderous strife, are not the men to whom the multitude will look as the safest and most reliable leaders in this hour of greatest danger and trial. The men to whose counsels most heed will be given, when the multitude are called to the work of rebuilding the temple of liberty, will be those who, at the outset, saw and predicted the calamities which our country has suffered, and with solemn, earnest, and continued appeals, warned the people of the dangers into which they were rushing. A peculiar, deep,

and permanent interest will attach to the counsels and warnings—the words of political wisdom and truth—which those men uttered in times when every truth, whether from heaven or earth, was resisted and repelled with the fierce malignity of devils incarnate.

Among the men who have thus stood unmoved from the first, and whose spirit and purposes were firm and unfaltering, even when prison walls and bayonets were around him, is Hon. JAMES W. WALL, of New Jersey.

The speeches here brought again to the attention of the public, are not new or very recent; but old truths often appear like new ones in the light of new facts to which those truths relate. So it will be in this case.

By giving this and similar documents a large circulation, we hope to be of some service in counteracting the tendencies towards political insanity, so dangerously and increasingly prevalent in this country for the last thirty years, but now at last, happily, showing some signs of diminishing.

J. W. & CO.

NEW YORK, *August 10, 1804.*

## JAMES W. WALL.

### INTRODUCTORY REMARKS.

THE gentleman whose speeches are here introduced is, and has always been, a bold and unwavering advocate and defender of the civil rights of the people, as expressed in the Constitution and the laws of the Federal and State Governments. His character and position being clearly defined and understood by the people, it suited the policy of the Lincoln Administration to select him as one of its first victims for proscription and persecution. This fact, together with the sentiments he has held and advocated, has placed him on the list of those men whose names are known and cherished by the friends of civil liberty and political truth. A brief sketch of Mr. Wall's personal and political history will be interesting.

James W. Wall was born in Trenton, N. J., on the 26th of May, 1819. His father, General Garret D. Wall, held a high rank at the bar of New Jersey; also represented his State in the United States Senate, through one Senatorial term: his colleague being the able and distinguished Samuel L. Southard. It is proper to mention, also, that Mr. W., though opposed to revolutions, unless when just and inevitable, is descended from Revolutionary stock, both his grandfathers having been officers in the war for independence.

Mr. Wall graduated at Princeton College, N. J., in the year 1838: his standing, as a speaker and writer, being among the first in his class. Soon after he left college he commenced the study of law, and was admitted to the bar as an attorney, in 1841, and as counsellor-at-law in 1844. But having a strong love for literature, he soon found the most of his time and attention occupied in that way. The history and science of Government were among the themes in which he took most interest. For several years he was a constant and regular contributor to the *Knickerbocker*, one of the oldest magazines in this country, and among the first in point of literary merit. His contributions to that journal embraced a wide range of topics, among which was a series of articles on the old English poets. He was a contributor also to *Bentley's Magazine*, a London journal having a large European circulation. An article that appeared in the *Edinburgh Review*, in the year 1855, on the "Curiosities of the Roman Catacombs," was from Mr. W.'s pen. But his labors were not limited to the higher departments of general literature. He took a deep interest in questions relating to the general interests and wants of society. Agriculture, especially, was one of his favorite themes. Several of his addresses delivered before agricultural societies and at State fairs, have been published and circulated widely. An address entitled "*Our Age and its Contributions to Agriculture*," delivered before the State fair of New Jersey, Sept. 16, 1859, was reprinted in one of the most widely circulated agricultural journals of England, and with very complimentary notices of matter and style.

While thus contributing to general literature, and aiding to place in the clear light the truth of those common matters, through the knowledge of which the first and most general wants of life are supplied, Mr. W. has identified himself with

a great diversity of interests. But the deepest and most general sympathies of the public have been directed to what he has written and said on political themes. On questions of this sort, few men of his age have written or spoken more. From the first, and at all times, he has been a thorough and unwavering Democrat. His first vote was cast for Mr. Van Buren. While others have changed and permitted themselves to be driven to market and sold as fat oxen wearing gay ribbons, Mr. Wall has kept out of the shambles, and has never been for sale at any price.

In 1850, Mr. W. was tendered the nomination for Congress by the Democracy of the counties of Burlington, Monmouth, Ocean, and Mercer; but declined on account of the very feeble and precarious health of his father, which would not permit him to give time and attention to the campaign. Hon. Chas. S. Skelton, nominated in his stead, was elected by a large majority.

In 1854, Mr. W. went to Europe and spent a year visiting prominent places of the East. On his return he published a volume entitled "Foreign Etchings," which was favorably noticed in the journals of the day and had a wide circulation.

In 1856, Mr. Wall accepted the nomination for Congress, from the second district of New Jersey. A few extracts from a speech delivered on that occasion, will give some idea of his sentiments at that time, and will also furnish an interesting specimen of his style of expression. Mr. W. said:

"I have supported the principles of the Democratic party, not from any motives of personal interest, or self-aggrandizement, for I have never asked an office of profit at your hands: but from an honest conviction that the interests of this great country could only be advanced and its prosperity secured by a strict adherence to them. I have carefully studied the political faith that I profess, and have watched with admiration the constant and undeviating progress of our Republic under the stimulating influences produced by a rigid and strict adherence to the principles of that faith. By that constant and consistent adherence, the Democratic party have literally lived down and overpowered all opposition, those principles ceasing to be issues, and becoming part and parcel of the policy of this great country, now extending from Maine to where the waters of the Mexican Gulf murmur on the sands; from the shores where the Atlantic dashes to where young California rolls down her golden sands to the Pacific. In all the wide area embraced in such a magnificent territorial acquisition as this, everywhere prosperity invigorates and stimulates each branch of human industry and enterprise, while the coffers of the national treasury are literally overflowing with their golden store. The history of the world may be safely challenged for a comparison. And while domestic interests are thus characterized by a prosperity wholly unexampled, the foreign interests of the Government have been so judiciously managed, its rights so firmly guarded that this nation stands to day, in the eyes of Christendom, the First Power of the earth. The sun, in his course, has looked down upon many a scene of magnificence, commercial wealth, and political power; he has seen the Assyrian, Macedonian, and Roman Empires rise and fall; he looks this day upon the pomp, pride, and power of the British Empire, "with her morning drum-beat circling the world;" but never, in all his course, has he looked down upon such a scene of commercial wealth, political power, and national glory as is here unfolded beneath his burning gaze at this present hour. All this prosperity, both at home and abroad, has been produced by the wave of the magic wand of Democratic legislation, guided and controlled by a Democratic policy.

"The great party to which we belong, citizens, was organized on the principles of '98; and then, for the first time, called into existence on account of the aggressions of the General Government on the rights of the States and the people. It then, at an early day, threw up the only barrier there is to protect those rights against encroachments by the centralizing power of the Federal Government, and behind which it has this day arrayed itself again, in order to guard the right of popular sovereignty against Congressional usurpation. That barrier then

thrown up, and now sheltering us, is a strict construction of the Constitution under which we live. It is behind that barrier in this contest, we stand, warding off the assaults made by those who still believe, as they ever have believed, that there exists all power in the Constitution, by forced implication or otherwise, to justify every encroachment upon popular sovereignty and the rights of the States. Strict construction of the Constitution and no implication in the interpretation of that instrument, saved this country from the curse of a United States Bank, from high tariffs, and an extravagant system of internal improvements; and it is in adherence to this doctrine upon the vexed question of slavery, in the impending contest—the only issue offered by this so-called Republican party—is to preserve by the triumph of the Democracy, this great and glorious Union undivided and unimpaired.

In the same address, Mr. W. thus depicted the sad consequences of permitting a gradual encroachment upon the rights of the States:

"The Democracy, then, consider this equality of rights in every section, as the only palladium of our liberties. Grant this monstrous power contended for by the opposition—that Congress have a right to impose this slavery restriction on all the territories, or to run geographical lines when and where it pleases, and you strike a deadly blow at this equality at once; and the end will be, disunion, civil war, and, eventually, hopeless anarchy, or a military despotism. Every interest in the nation, as it becomes strong enough to pursue its favorite object, will refer to these things as precedents, and will not hesitate to impose such further restrictions upon the admission of other territories and States as shall best suit the purpose of the hour: until the States to be admitted will not be so much distinguished by the dates of their admission, as by the inequality of rights they may be permitted to enjoy under the Confederacy. Beneath the influence of such a policy as this, the Union must grow weaker and weaker, and the ties that once bound us be sundered forever."

A vigorously-contested canvass ensued. The Know-Nothings and the Republicans united their strength against the Democracy, and the former exhibited intense hostility against Mr. W., in consequence of his bold and earnest defence of the Constitutional rights of adopted American citizens. Mr. W. lost the election by about one thousand votes—twenty-one thousand having been cast.

In the fall of 1859, soon after the John Brown raid into Virginia, an immense mass-meeting was held, without distinction of party, in Newark, New Jersey, the object being to express the indignation of the public in relation to that infamous outrage. Three speakers were selected from the Republican, Democratic, and American parties, respectively. Mr. W. represented the Democracy on that occasion, and the sentiments he expressed, reviewed now in this hour of our country's deepest sorrow and trial, have a peculiar significance, and indicate a far-seeing sagacity in relation to the dangers which were at that time threatening our peace.

Mr. W. said:

"My friend, Mr. Frelinghuysen, in the very able and eloquent remarks to which you have just listened, appears to argue against the possibility of the dissolution of the Union, 'because it is a solemn compact, made not by the States, but by the people.' But he must remember that the Constitution, which he deems so impregnable, was adopted by the States in their sovereign capacity. They came into this Union as States, and they will retire in the same way. I would I could think as he does; but, if fifteen States of this Confederacy should withdraw their representatives in both branches of Congress, where, I ask, would you find the authority in the Constitution to prevent them, and where the compelling power, the attractive force, to bring back these political orbs that had thus dashed madly from their spheres? Would you coerce them by the military arm as rebellious? You will then inaugurate civil war, and realize the horrors Mr. Madison predicted in the Constitutional Convention, if the power to coerce disobedient States was conferred upon the

*Federal arm.* A gulf will open between the sections which will never close, and into it will go oceans of blood and myriads of treasure.

"I look upon the dissolution of this Union as amongst possible events; and when that evil hour shall come, those who counsel such a deed will be in no tone to parley about Constitutional obligations or Constitutional rights."

The speech from which the above quotations are made was closed with the following impressive words:

"It is not for me to-night, citizens of Newark, surrounded by the enterprise, wealth, and industry of this city—a city that feels every hour the heart-throbs of the great commercial emporium of the Union—whose traffic, like that of Tyre, is with 'the nations and kings of the earth,' to attempt at any length to show you how your prosperity, and that of the whole country, rests upon that mutual inter-dependence, that leaning one upon the other—a relationship which, if disturbed, must entail untold calamities upon all. You understand all this much better than I can tell it to you.

"Let us, then, standing, as we do to-night, upon the threshold of the great heart-festival of Christendom, be filled with the inspiration that comes with that genial season of 'Peace, good-will to men.' Let us, to-night, as in the presence of the justified spirits of our great ancestors, invoke heaven-born Peace, in her widespread beneficence, her lofty philanthropy, her abiding faith in human nature, to descend into the midst of all this strife among brethren, and shed her blessed influences over our country, and our hearts. Let us go from this meeting with renewed determination to preserve intact that heritage which has descended to us from our fathers—to keep unsullied and unsevered the links of that bright, strong chain which, forged in Revolutionary fires, and of ethereal temper, has thus far bound State to State, and man to man, in one great brotherhood of nationality. Then centuries hence, some other son of New Jersey, honored, welcomed, and greeted, as I have been to-night, shall exclaim in heartfelt satisfaction, as I do:

"A Union of Lakes, a Union of Lands,  
A Union that nothing can sever,  
A Union of Hearts, a Union of Hands,  
And the Flag of our Union for ever!"

When, in consequence of the election of Mr. Lincoln, pledged to the prosecution of measures which the Southern States regarded as a direct and palpable violation of their Constitutional rights, a conflict of arms seemed inevitable, Mr. W., in connection with many others, exerted himself to secure, if possible, the adoption of the "Crittenden Compromise," knowing that the conflict could by that means be averted and the Union saved; but those efforts, as the pen of history has already recorded, were unsuccessful. A relentless fanaticism had decreed that there should be no compromise. A few weeks later, and the purposes and proportions of the war were clearly indicated, and to the eye of every sagacious and unprejudiced statesman it was apparent, that while the Southern States had resolved to secure and maintain an independent nationality, the men whose cherished purposes and designs controlled and directed the Administration, had determined to be satisfied with nothing less than the subjugation of those States and the destruction of their Constitutional rights. Mr. W. took this view of the war, and boldly declared that he had no sympathy with its causes or its objects, and no confidence in its management or its results, but looked upon it as unjust, unconstitutional, and destructive to republican institutions. If continued in the spirit which obviously prompted the Administration, he was confident it would end in giving the Southern States what they were endeavoring to obtain, a distinct nationality, and thus lead to the breaking up of the Union.

When the despotic purposes and measures of the Administration began to

develop their character, he boldly and fearlessly denounced them, and when the order came forbidding the New York *Daily News* to be carried through the mails, he addressed the following letter to the Postmaster-General.

"BURLINGTON, N. J., Aug. 26, 1861.

"HON. MONTGOMERY BLAIR, Postmaster-General:

DEAR SIR: Your recent high-handed, unconstitutional act in stopping certain newspapers from being circulated through the mails, will meet, as it deserves, the indignant protest of every freeman. If the proscribed papers have reflected severely upon the conduct of the Administration, they had a right so to do in a Republic, where it has been our most cherished boast that the acts of our rulers are open to the freest scrutiny. In fact, the right of examining the characters of our public servants, and commenting freely upon their public conduct, is the sentinel standing at the door and effectually guarding every other right. If the people relinquish that, they richly deserve to be slaves.

"Let me commend to your serious consideration, the noble language of your late father-in-law, the Hon. Levi Woodbury, during the war of 1812, toward the influential citizens of certain of the Eastern States, who not only opposed the war, but threatened a severance of the Union, terming it 'a rope of sand,' 'a mill-stone about the neck of New England.'

"He was indignant at their opposition, but, noble patriot that he was, he proposed that it should be met only in the constitutional way. 'Such opposition,' said he, 'will and must engender its own corrective. Let then an unceasing opprobrium be heaped upon the measures of our Administration. It is not punishable under Republicans, however severely it was under Federalists. Our sacred regard to independence of opinion and liberty of the press pardons the licentiousness. But the people will mark its authors and properly reward them both by the finger of scorn and the omnipotence of elections.'

"Remember the above was uttered in reference to a Peace party who, during a foreign war with England, avowed the most supreme contempt for the Republic—who, in fact, were in direct hostility to the Constitution—engaged in intrigues for the overthrow of the one and for nullifying the other. In fact, a party that did not hesitate to avow its sympathy for the foreign foe at the very time our capital was in flames and in the hands of the enemy.

"Now, sir, I defy you to lay your finger upon a line of the editorials of the *Daily News* (one of the organs under the Government ban), that by the most forced construction could be declared treasonable to the country. That journal has labored for peace, for a cessation of this unnatural war, for an appeal to the people from the acts of the Government, or 'an appeal from Philip drunk, to Philip sober.' It had a perfectly constitutional right to do this, and in that direction I hope it will continue to labor, undismayed by either the menaces of Government, or the threats of a mob. In fact, had the Government listened to the repeated warnings of the New York *Daily News* instead of giving credence to those journals, that were pretending to sustain it, the disgrace of the defeat at Manassas Plains would not now stain the national escutcheon. The *News* over and over again, before the advance of 'the grand army,' warned the Government of the inefficiency of its forces to cope with the numbers, and storm the strong fortifications of the enemy at Manassas. Its warnings were sneered at by those eminently patriotic journals, the *New York Herald* and *Tribune*, the *Philadelphia Enquirer* and *Bulletin*, as 'the senseless drivellings of treason.' A common sense of gratitude alone might have induced the Government, for this one act, to have overlooked the *News*, in its wholesale proscription of journals in the city of New York, opposed to the Administration. But it asks no favors, it is willing to stand or fall with its co-laborers in the cause of peace.

"Our fathers were intimate friends; and although your father to-day belongs to the Republican party, I cannot believe that he endorses the recent arbitrary act of your department, or else he must prove recreant to the doctrines he proclaimed years ago in *The Globe*. In that able and influential journal, in speaking of the attempt made to pass a bill through the Senate preventing Federal officers interfering in elections, he once said: 'Under no possible emergency, not even in

insurrection or mid the throes of civil war, can this judgment justify official interference with the freedom of speech or of the press, any more than it can, with the freedom of the ballot. The licentiousness of the tongue and of the pen is a minor evil compared with the licentiousness of arbitrary power.' Little could he have then supposed that one of his own sons should lend himself to carry out an arbitrary edict that prostrated this boasted freedom at a blow.

" You, by such an edict, have assumed to dictate to me what political papers I may receive. Where do you derive your power? You have just as much right to declare what religious works I shall receive. If I am in favor of peace I have a right to be, and I will work for it, write for it, pray for it, do any thing but fight for it, in the face of all the imperial ukases that may be sent forth from Washington. If this war must go on, it must be waged constitutionally. Wage it against the enemy south of the Potomac, and not against peace-loving citizens of the North, whose only crime is loving the old Constitution so well that they cannot possess their souls in patience when they behold the far-famed 'higher law' substituted in its place.

Yours, respectfully,

" JAMES W. WALL."

The above letter was not only sent as directed, but was also published in the papers; soon after which, the marshal of the district, accompanied by an armed posse, made his appearance at Mr. Wall's residence in Burlington, arrested and conveyed him to Fort Lafayette. His house is only a few hundred yards from the depot, and the skill and dispatch with which the capture was managed, gave no time or opportunity for his friends to rally to his rescue. Mr. Wall was confined two weeks in the Government depository of the civil liberties of the people; then released, without trial or examination of any sort. Nor has he ever, to this day, received any official information as to the grounds of his arrest. The whole proceeding, as in many other similar cases, was in direct violation of the civil rights guaranteed to the people by the Constitution and the laws. Nor had it even the negative merit of conforming to the ceremonics usually observed in legal proceedings among civilized nations. It was simply a display of arbitrary and irresponsible power.

On being released from the Government prison and returning to his residence in Burlington, Mr. W. received a magnificent popular ovation, and on that occasion, in a public address, boldly and unsparingly denounced the despotic measures of the Administration. So bold and fearless were his denunciations of the men in power, that several of his Democratic friends thought him very imprudent, and feared his re-arrest in consequence of the strong terms he had used. They were forgetful of the fact that tyrants are cowards, and that he who fears them least and meets them most boldly is safest. Men of that sort may sometimes suffer the loss of liberty or life, but they leave an example and record which, to the cause of civil liberty, is worth the sacrifice.

At the next session of the New Jersey Legislature, Mr. W. addressed a strong memorial to that body, setting forth very fully the manner and circumstances of his arrest and imprisonment, and showing that the whole transaction was in direct and palpable violation of the civil rights guaranteed to him as a citizen of that State. He then urged the Legislature to demand, through its Senators, a copy of the charges against him; and if no response was returned and no charges forthcoming, to enter its solemn protest against the wanton disregard of the constitutional rights of a citizen of the State. The memorial closed with the following earnest appeal:

" I speak earnestly because I feel so. I have been made to know the insolence of arbitrary power. The most degraded criminal in any of your prisons could not

have been treated as I have been without an outcry of indignation from every honest citizen in the State. I have been arrested without the form of legal warrant, condemned without the shadow of a trial, and punished by a degrading imprisonment of weeks without, to this hour, knowing the nature and cause of the accusation against me. I know and appreciate my rights as a citizen of the United States, and of the State of New Jersey. I envy not the heart, for it is corrupt, nor the brain, for it is diseased, that can approve, or by a show of reasoning attempt to justify such an atrocious act of tyranny as this. If such an act can be done in a republic without redress, and with the approval silent or avowed of its citizens, then I know no difference between it, and the vilest despotism upon earth, save that the latter is the more honest government of the two."

It is unpleasant to record the fact that the Legislature of New Jersey, although largely Democratic, was under the influence of the Federal despotism to such a degree, that it reported adversely to the memorial, the report taking the ground that "*any action on the part of the Legislature in conformity with the memoriat might bring the State in conflict with the Federal Government, and referring the memorialist to his remedy at law.*"

It is gratifying to state that the next Legislature elected Mr. Wall to the United States Senate to fill the unexpired term of Hon. J. R. Thompson, deceased. His connection with that body was for only three months, but he availed himself of that opportunity to record, in clear and unequivocal terms, his condemnation of the despotic and unconstitutional measures of the Administration. One of the speeches, that on the Indemnity Bill, will be found in this collection. Another of similar character on the "Missouri Emancipation" Bill, our limited space compels us to omit.

The arrest of Mr. Wall was an unlucky stroke for the Administration. In his case, as in that of many others, the tyrants attempted too much, and did serious injury to their cause. His influence has been much greater the last three years than ever before. His speeches, wherever delivered, were received with earnest attention and deep interest. Among his recently published speeches may be enumerated, the address before the citizens of Burlington, by invitation of the Common Council, entitled, "The Constitution Originating in Compromise—it can only be preserved by adhering to its spirit and observing its every obligation." An oration, delivered July 4th, 1863, by invitation of the citizens of Newark, and one on the character and principles of Washington, delivered by invitation of the Democratic Central Committee of the Third Congressional District of Monmouth County, February 22d, 1864. His public speeches and addresses have been heard and read by thousands, throughout the country, whose first interest in him and his sentiments is due to the malignant efforts to destroy him, and the courage which he has manifested under persecution.

---

#### THE INDEMNIFICATION BILL.

*Senate of the United States, March 2, 1863.*

THE Senate having under consideration the report of the committee of conference on the disagreeing votes of the two Houses on the bill to indemnify the President and other persons for suspending the privilege of the writ of *habeas corpus* and acts done in pursuance therof—Mr. WALL said :

MR. PRESIDENT: I look upon this bill as fraught in its consequences with more terrible mischief to the best interests of this country than any

of the dangerous projects that have sprung, like Minerva, but without her wisdom, full armed, from the busy brain of the Chairman of the Military Committee. It is more pregnant with evil for the Republic than was the belly of the Trojan horse to Ilium. And now is the time, here the place, "where the wild fig-trees join the walls of Troy," when all those who would defend the palladium of Constitutional liberty must meet the foe and drive him back, if it is not already too late. Here, if we must perish, we should perish together. We must fight to the last, for if this bill once passes there is no Latiom for us to fly to.

This bill clothes the President of the United States, with the aid of the conscription bill passed on Sunday morning, with the panoply of the vast powers and functions of a dictator. The dictator who in the hour of a nation's peril came forth from the Roman senate, with absolute will over the life, liberty, and property of the Roman citizen, never had any more power than this bill confers upon the President of the United States. When the decree for the appointment of a dictator went forth from the conscript fathers of Rome, they veiled the statues of Liberty that stood in every market-place, in every boarium, in every forum, and in every temple throughout the vast extent of the empire. The shrouded, silent forms of this goddess gave notice everywhere to the Roman citizen that his absolute rights were taken away. But under this bill, Mr. President, there will be no such notice to the citizen of this Republic. By this bill you place at the discretion of the President the grave power to suspend the great writ of right of the people of the entire country at his option. You actually confer upon him the functions of a legislator, the right by his own volition to suspend a law; a right which I hold under the Constitution belongs alone to Congress; and which it has no more right to delegate to him than a trustee would have a right to delegate a trust power. This bill is only an embodiment of that pestilential political heresy with which this war commenced—and to which I shall address myself presently—that the right to suspend the privilege of the writ of *habeas corpus* was an executive and not a legislative power—a political heresy boldly sustained in this Chamber by the Senator from New Jersey who preceded me, but who has now gone, to enjoy his reward for having unlearned the legal lessons that had been taught him, where, I may say, the Democracy cease from troubling, and the wearied politically are at rest—for it is a life estate.

I shall take occasion before I conclude to allude to some of the points in his speech, for the purpose of refuting them, and placing my protest upon the record against the infamous doctrine it contains, and the gross insult that it offers to those great men who laid the foun-

dations of this Republic, with a view to the public happiness, by securing to the citizen those absolute rights which such a doctrine as this overturns at a blow.

Let this bill pass, Mr. President, and it places the liberty of every citizen in the loyal States at the will of the President of the United States, with no check, no control; and it reopens the iron-studded doors of the casemates in your bastiles, to be filled, as before, by men against whom no accusation has been lodged, and who seek in vain to meet their accusers face to face before the legal tribunals of the land. Again will the post-offices, as they were before, become each like the lion's mouth of Venice, where the secret informer may lodge his lying accusation; and from a tribunal as inexorable as the far-famed Council of Ten shall come as swift and as sure the mandate that consigns him to some military dungeon of the Republic, which desecrates the names of those martyrs to liberty, it may be Fort Warren, it may be Fort Lafayette. This bill, if it passes, establishes in the President arbitrary power; and history informs us that arbitrary power is progressive, untiring, unresting. It never halts or looks backward. As one has eloquently said of it:

"Call it by what holy name you will, sanctify it by what pretexts or purposes of patriotism you may, under any flag, in any cause, anywhere and everywhere, it is the foe of human rights, and by the very law of its being is incapable of good. There is, there can be no life for liberty but in the supreme and absolute dominion of law. This lesson is written in letters of blood and fire all over the history of nations. It is the standing moral of the annals of republics since their records began. It is legible upon the marbles of the elder world; it echoes in the strife and revolutions of the new. Wherever men have thought great thoughts and died brave deaths for human progress, its everlasting truth has been proclaimed."

An encroachment upon the Constitution, striking arbitrarily at the personal liberty of every citizen in the land, is but one of the paths leading straight towards despotism. There are numerous others, but they all run parallel to this. Let the nation, or the nation's representatives, submit in silence and indifference to such a bold usurpation of power as I conceive is contained in this infamous bill, and from that moment the manly courage which is the defence, and the sleepless vigilance that is the price of liberty, is gone. Every one of these pathways lies open, inviting the tread of usurpation. Said the aged Selden in reply to the ministers of Charles I.:

"The personal liberty of the subject is the life and the heart's blood of the commonwealth, and if the commonwealth bleed in that master vein, all the balm of Gilead is but in vain to preserve this our body politic from ruin and destruction."

Said Algernon Sydney, England's noblest martyr:

"He who oppugns the liberty of the subject under the constitution of this realm, and in violation of it, not only overthrows his own, but is guilty of the most brutish of all follies."

These noble words were literally sprinkled, and so consecrated, by that noble martyr's blood. It was for their utterance he died, the noblest, proudest name upon the martyr roll. He was alike inflexible to king and protector—the champion of liberty against despotism—in the study, at the bar, in the prison and upon the scaffold. To him the world owes those great and eloquent discourses, the first complete definition and exegesis of the true nature and duties of government, full of brave and noble sentiments, the well-stored armory from which the fathers of our Republic drew the strongest and the sharpest shafts they shot against the breast of despotism.

In view of the vast powers which the Congress of the United States propose to give to the President under the provisions of this bill, I would invite attention to the following sagacious words uttered by Lord Temple in the British Parliament at the commencement of the last century :

"Rashly and wilfully to exercise a power clearly against law and the constitution is too great a boldness for this country *at any time*, and the suspending or dispensing power, that edged tool which has cut so deep, is the last that any monarch in his wits, in any emergency, would dare to handle in England. It is a rock that English history has warned against with awful beacon-lights. Its exercise lost one prince his crown and head, and at last drove his family out of the realm. A minister or representative who is not afraid of the exercise of such an iniquitous power, is neither fit for sovereign or subject."

Strange and startling as the truth may appear, Mr. President, this suspending power of the absolute rights of the citizen which in peace or war was considered too hazardous to use, either by king, minister, or representative, has proved the easiest thing for republican America in this high noon of the nineteenth century. Nay, sir, more startling even than this, it has even been declared treason to question for one moment the right to its exercise. That power the use of which cost one prince his crown and head, and drove his family out of the realm, has been sported with, and is to be again, by the President of the United States, holding his office under a limited Constitution, and where the absolute rights of the citizen were supposed to have been placed far beyond the reach of the tyrant grasp of arbitrary power. Fortunately, for the time, an indignant people rose to vindicate their outraged rights, and struck terror into the hearts of their rulers. Pass this bill, and we shall have the same abnormal acts recommended, and one by one the landmarks of the Constitution will be obliterated, the laws suspended, the personal liberty of the subject assailed, and provost-

marshals and marshals like the cowed "familiars" of the Inquisition dogging the footsteps of the citizen and tracking him to his doom.

The time was once, Mr. President, in this Republic, we might say of Americans, as was said to King John by the Archbishop—

" Let every Briton, as his mind be free,  
 His person safe, his property secure,  
 His house as sacred as the fane of heaven,  
 Watching unseen his ever open door,  
 Watching the realm, the spirit of the laws;  
 His fate determined by the rules of right,  
 No hand invisible to write his doom,  
 No demon starting at the midnight hour  
 To draw his curtain, or to drag him down  
 To mansions of despair."

\* \* \* "Inviolable preserve  
 The sacred shield that covers all the land—  
 The heaven-confessed palladium of the isle—  
 To Britain's sons, the judgment of their peers,  
 On these great pillars; freedom of the mind,  
 Freedom of speech, and freedom of the pen,  
 Forever changing, yet forever sure,  
 The base of Britain rests."

The time was, sir, when this noble eulogy, pronounced by Shakspeare on the British constitution, might be more aptly applied to our own. The great American charter of our freedom had more than confirmed to us these laws of the Confessor, and our people had given them as free, as full, and as sovereign a consent as was ever given by John to the bishops and the barons of Runnymede. The mind of the citizen was free, his person was safe, his property secure, his house his castle, the spirit of the laws his body-guard and his house-guard. Would he propagate truth? Truth was free to combat error. Would he propagate error? Error itself might stalk abroad and do her mischief, and make night itself grow darker, provided Truth was left free to follow, however slowly, with her torches to light up the wreck.

But who is it that takes a retrospective glance over the stirring, awful history of the last two years, but feels how the fine gold has grown dim beneath the tarnishing touch of the hand of despotic power? Those great, absolute rights of the citizen, which were intended to be beyond the reach of arbitrary influence, the right of personal liberty, of property, of free speech and a free press, rudely and ruthlessly violated. Of these absolute rights, during what was not inaptly called the reign of terror, there was not one that was not trampled upon by the Executive or his subordinates; and what was worse than all, every assault that was made upon them was applauded to the echo by jurists, lawyers, divines, and contract-hunting renegade Democrats, whose

cowardly hearts either ran away with their better judgments, or who really did not understand the very first principle of the Constitution under which they lived. Men were arrested and papers seized without warrant or oath of probable cause; prisoners were held without presentment or indictment, denied a speedy and public trial, nay, refused a trial altogether, carried away by force from the State or district where their offence must have been committed, and incarcerated for months in the bastiles of the Government, and then set free without being even informed of the nature and cause of the accusation against them. Every Constitutional outpost was driven in, and every personal guarantee of the citizen brushed away by the Executive as easily as cobwebs by the hands of a giant. And this by a Government professing it was fighting for the Union, the Constitution, and the enforcement of the laws; for those, at the outset of this war, were the proud words that glittered upon your advancing standards. Doctrines were preached in high places directly at war with all the fundamental principles of free government. The central power, under the bald pretence of preserving the Government, assumed a new and fearful energy, until men went about with "bated breath and whispering humbleness," not knowing where the next blow was to fall, or who was the next friend that was to be stricken down at their sides. Of these times I may exclaim, "*quorum pars fui.*"

It was my lot to have felt the grasp of arbitrary power, and within the damp, grated casemates of one of the bastiles of the Government, to have learned how helpless a thing is the citizen who is deprived of those absolute rights, which, if they do not exist in your Constitution, your Constitution is a miserable delusion and a snare. Having been arrested without cause shown, I was liberated in the same way, after enduring personal indignities, which, to a high-spirited man, eat like iron into the soul. And from the hour of my liberation up to this moment, when I stand upon this floor, the representative of a sovereign State, I have been unable to learn what those charges are. I have in vain demanded of the proper Department what were the charges against me, claiming the freeman's constitutional privilege "to be informed of the nature and cause of the accusation, and to be confronted with the witnesses against me." Great heavens! Mr. President, is it possible that such things can be, under a Constitution whose boast it has been that it was for the protection of the inalienable rights of men against oppression? If this boast has been in vain, then, sir, that Constitution has but a name to live, an outer seeming to beguile and deceive, a Sodom apple, a heetic flush—

"Painting the check upon which it preys."

The liberty I claim, and those who act with me, under that Constitution, is not the liberty of licentiousness; it is the liberty united with law; liberty sustained by law; and that kind of liberty we have always supposed was guaranteed to every man, rich or poor, high or low, proud or humble, under all exigencies, whether in peace or war, and whether that war is foreign, or the State is in the fearful throes of civil strife. This is my loyalty and that of my political friends on this floor—the allegiance, the devotion to organic laws. I know no other loyalty, and I will not bow myself at the shrine of any other. In this Republic, its Constitution declares:

"No citizen shall be deprived of his life, liberty, or property, without due process of law."

He may be made to part with all three by the power of the State; but that power must look well to it, sir, that in its exercise it does not transcend the limits in which it is appointed it to move. If it does, it becomes despotic; and then, among men who know their rights, and knowing, dare maintain, resistance follows as naturally as light succeeds to darkness. If by a simple mandate, nay, by the lightning flash over the telegraph wire, of any Cabinet officer, in States where the people are loyal, and where the courts of law are open, you or I may be torn from our homes and consigned for an indefinite time to the gloomy walls of a Government fortress, the same mandate or dispatch, only altered in its phraseology, may consign us immediately to the hands of the executioner, or deprive us of our properties, confiscating them to the State. If not, why not? The right to have our lives secure against interference *without due process of law* is equally guaranteed in the same clause which protects our liberty and our property. These privileges can trace their lineage back to the grassy lawns of Runnymede, where they were born, more than six hundred years ago. They were extorted then and there by the rebellious barons, and uttered in glowing language that has come down to us from the ages long ago, and is still sounding in our ears as the sweetest note that ever came from the silver clarion of freedom. Listen, Senators, to the music, strong and sweet as it sounded in the solemn midnight centuries ago:

"No freeman shall be seized or imprisoned, or disseized, or outlawed, or in any way destroyed; nor will we go upon him or send upon him, except by the judgment of his peers, or the law of the land."

Our fathers caught the inspiring strain, and it was prolonged in that sonorous sentence in our own once glorious Constitution: "No person shall be deprived of life, liberty, or property, without due process of law;" "due process of law," the law which hears before it condemns, and punishes only after conviction.

Mr. President, every arrest made during the reign of terror by the President or his subordinates was in direct antagonism to this fundamental principle of our Constitution, violative of its solemn sanctions, and, because abnormal, revolutionary; for it encouraged, nay, sanctified resistance. I remember well, sir, the excitement in Europe when the King of Naples, the infamous Bomba, seized a few young men of the first families by military force, who were engaged in plotting against his throne, and immured them in those horrid dungeons, blasted out of a rock, in that State fortress which, like Fort Lafayette in the bay of New York, is the only dark and hateful thing upon the bright waters of the beautiful bay of Naples. The military guard, without warning, without accusation, just as was done with the members of the Maryland Legislature and the Baltimore prisoners, surrounded their houses at the midnight hour, and they were torn suddenly from the luxurious comforts of their splendid homes, to be immured in those awful prison-houses, wet with "the accursed dew of dungeon damp," sunk far below the surface of the waters of the Neapolitan bay. They were suspected of treasonable practices. Their offence had that extent, no more. A cry of horror went up from almost every nation in Europe, and from the then untrammeled press of the American Republic. England remonstrated through the manly, eloquent appeal of her indignant Gladstone. France raised her voice in denunciation of the outrage; while republican America shuddered as she thanked God "that no such outrage could ever stain her national escutcheon." We professed to know then what liberty was worth; and as we sent cheering words to those brave spirits engaged in the work of Italian liberation, we told those rebellious children of the sun, "it is worth all your struggles, every sacrifice, and oceans of blood." The vengeance of an oppressed people soon rose to vindicate the race and punish the oppressor. In vain were her dungeons filled and her hearthstones desolate. The bright dream of "Italia Libera" remained, the scattered manna upon which the concealed enthusiasm of a whole nation fed itself, and to-day Naples is redeemed, disenthralled. The Bourbon family is in exile, and the people's king rules over the warm hearts that welcomed him to the throne. Vengeance is certain, sooner or later, to overtake the oppressor; and the Nemesis of retribution, with the flaming sword, follows swiftly after the tyrant.

But the objection of the danger to the public liberty and safety is not the only objection to this bill. It is by its own title an indemnity bill, and proposes to shelter behind the protecting aegis of its strange legislation the unlawful acts of the President and his subordinates. In other words, it proposes to legalize an illegality. It is the legislative power

sheltering the executive branch of the Government from the consequences of its abnormal, unconstitutional acts. You might as well attempt by legislation to screen the judiciary from the consequences of malfeasance in office. If one department can thus protect the other, I ask, what becomes of official responsibility and the obligations of official oaths?

I hold, sir, that the remedy is provided by the Constitution, article second, section four, in case the President is guilty of any official misconduct. By that article he is made liable to impeachment for treason, bribery, and other high crimes and misdemeanors. The President may violate his official duty in three ways: 1. By refusing to execute the laws and treaties of the United States. 2. By usurping a power not confided to him by the Constitution, although in some cases this may amount to treason. 3. By an arbitrary and corrupt use of an authority lawful in itself, but which was intended to be exercised with a single view to the public good, to answer the purposes of a selfish intrigue. In England the king is not constitutionally answerable for any of his official conduct; but it is presumed that he always acts by the advice of his ministers, and they are held personally responsible for all political measures adopted during their administration. Some of them have suffered capitally for such alleged misconduct. It is on this account, in part, that ministers send in their resignation as soon as they find that the majority of Parliament is against them. But here it is different. The President is answerable for his own official conduct, and is liable to impeachment for any default in the discharge of his sworn duty. To say that any co-ordinate branch of this Government could shield him from the consequences of such acts would be an absurdity, and tend to annihilate the whole system upon which this Government was founded.

Again, this bill, if I understand it, not only proposes to shelter the President from the consequences of illegal acts—for the provisions of the bill really amount to this, if fully carried out—but to protect and shelter those of his subordinates whom he may have commanded to perform unconstitutional or illegal acts. Now, Mr. President, if there is one fundamental principle of law better established than any other, it is this: that, within the limits of their respective powers, all officers, from the President of the United States downwards, ought to be submitted to and obeyed; *but if they should overstep the limits of their official authority*, if they should usurp powers not delegated to them by the Constitution, or by some law made in pursuance of it, they would cease to be under the protection of their offices, and would be recognized merely as private citizens for any act of injustice or oppression.

they might commit, and liable to a civil or criminal prosecution in the same manner as a private citizen, with this distinction: that if the wrong-doer has availed himself of his official character, or of the opportunities which his office affords him, to commit acts of injustice or oppression, it will be considered as a great aggravation of his guilt in a criminal prosecution, and will be a ground for a jury to find exemplary damages in a civil action. This is the principle that runs through all the cases; and all the indemnity bills that Congress might pass from now to the crack of doom would not disturb the force and efficacy of that principle, in the mind of a high-minded, intelligent jurist, who had a professional reputation to guard, however it might affect those imitators of the Crawleys and Vernons of the first Charles's day, who have crawled to judicial positions by base servility and disgusting obsequiousness, and who might be willing to exclaim, as they did in the ship-money case—

"That the King, *pro bono publico*, may charge his subjects, both in their properties and persons for the safety and defence of the kingdom, notwithstanding any act of Parliament, and may even dispense with law in case of necessity."

The attempt of the President to shelter his subordinates from responsibility upon the *sic volo, sic jubeo* principle, is only another phase of the delusion under which men's minds have been laboring. He certainly ought to be lawyer enough to know that the Supreme Court has decided in 2 Cranch, 119—

"That if the President should mistake the construction of an act of Congress or of the Constitution, and, in consequence of it, should give instructions not warranted by the act or the Constitution, any aggrieved party might recover damages against the officer acting under such instructions, *which, though given by the President, would furnish no justification or excuse.*"

I admit that in general, when a particular duty devolves upon the President, but the means to be used in discharge of it are not pointed out, he may adopt those which are most proper for that purpose, *provided they are not repugnant to the Constitution* or prohibited by acts of Congress. Thus, in time of war, he has the right to use all the customary means to carry it into effect, but he cannot override the Constitution in doing it. It would not, perhaps, be a sufficient foundation for an impeachment if the President should make use of the discretion intrusted to him by the Constitution or laws of the United States imprudently and injudiciously; for, in any such case, the people must be content with the honest exercise of such ability as they see fit to elevate to this high office. But they have a right to expect, nay, demand, integrity and fair purposes and intentions, and that the civil rights guaranteed to them by their fathers shall be scrupulously preserved. Many

very honest citizens think that in a time of war or rebellion the President becomes, by some political legerdemain, invested with all the functions of a dictator, and holds the lives, liberties, and properties of the citizen in his all-powerful grasp. Within the sphere of his constitutional duties the President may justly claim the support of all good citizens; but when he transcends the powers conferred on him by the Constitution, to strike down the liberties of the subject, he must expect, nay, he invites opposition. Some Senators, on the other side of this Chamber, seem to think that the test of loyalty is to be found in a blind adhesion to the President and his administration; but I would say to them that my loyalty is akin to that so well described in those lines of Cowper:

"We too are friends to loyalty: we love  
The king who loves the law, respects its bounds,  
And reigns content within them."

As to the responsibility of high officials, there are very many in the community who labor under the erroneous idea that the office protects the transgressor. The legal authorities are all the other way. Both the authorities in this country and England point but one way upon this subject. In England the responsibility of an official who usurps power has never been questioned, and the loftiest officials have been held to a just retribution for their wrongs, and governors admitted to be viceroys in effect have been made to answer for their assumptions of power, not only in their estates, but with their lives. What said Chief-Justice Pratt, afterwards Lord Camden, in overruling a motion for a new trial made by the defendant in an action of trespass for arresting the plaintiff on a warrant from Lord Halifax, the Secretary of State?

"If the jury had been confined by their oath to consider the mere personal injury only, perhaps twenty pounds damages would have been sufficient; but the small injury done the plaintiff and the lowness of his station did not appear to the jury in that striking light in which the great point of law touching the liberty of the subject appeared to them on the trial; they saw a magistrate over all the king's subjects exercising arbitrary power, violating *Magna Charta*, and attempting to destroy the liberty of the kingdom by insisting upon the legality of general warrants in a tyrannical and severe manner. These are the ideas which struck the jury and induced them to give these heavy damages. I think they have done right. To enter a man's house and drag him from thence by means of an unconstitutional warrant is worse than the Spanish Inquisition—a law under which no Englishman would wish to live an hour. It was a most daring public attack made upon the liberty of the subject."

Pass this bill, Mr. President, and you not only confer upon the President an authority which I conceive you have no power to confer, but

you also, by your legislation, give to him and his subordinates assurance that they may do the like again, and escape the punishment that should always be meted out to violations of constitutional law. It does really seem to me, sir, when I listen to Senators on the other side defending acts which they admit to be abnormal, and insisting that the public necessities demand the sacrifice, as if those gentlemen were trying to persuade us that the best way to preserve our liberties would be to give them up, and that the surest mode of securing a government of law would be to suffer arbitrary power to destroy it. "The dearest interests of this country," said Junius—and I adopt his nervous language—"are its laws and its constitution. Against every attack upon these, there will, I hope, be always found among us the firmest spirit of resistance, superior to the united efforts of faction and ambition."

Mr. President, this bill, in leaving it discretionary with the President, at any time and place and at his own option, to suspend the privilege of this great writ, in fact gives countenance and support to that political heresy that the right to suspend the writ exists in the President of the United States, and not in Congress. This bill does not suspend the privilege of the writ; it leaves it for the President to do, whenever he thinks the public exigency demands it. It certainly could never have been the intention of the framers of the Constitution to authorize the Executive to suspend the privileges of the writ at his option. If this was a novel question that had never been mooted before, one might well understand how there might possibly be some variance in men's opinions. But when it is considered that in 1807 it had a most thorough and exhausting discussion in Congress; that it had been before the judicial tribunals of the country, and frequently the subject of discussion by commentators upon the Constitution and by statesmen; that up to the year 1861 there was an entire unanimity of opinion as to where the power to suspend the privileges of this writ rested, namely, in the legislative department of the Government, we can only be astonished that there should be any difference of opinion about it. But now we are told that the peculiar legal optics of modern statesmen and lawyers have been enabled to discover that which the keen, searching, patriotic vision of the men who framed the Constitution failed to see. That which the luminous perception of Marshall, Kent, Story, and Curtis could not discover, has been reserved for the keener opties of Bates and Lincoln.

It appears to me, Mr. President, that the true spirit of the *habeas corpus* clause in the Constitution is as clear as sunlight to any man who will study the debates both at the time of the formation of the Constitution and when it was submitted to the States for their adoption. There

were members in the Convention who were in favor of making the enjoyment of the privilege of the writ absolute at all times, in the same manner that it was intended the liberty of the press, of speech, and of religion should be enjoyed. There were others again who favored limitations of time and suspension on certain conditions. The clause itself, therefore, appears to me to have been a mean between extremes of opinion, and was intended to reconcile conflicting views. There is very little light thrown upon the subject by the discussion in the Convention: but the peculiar position occupied by the clause in the Constitution is significant, and if not conclusive, is certainly suggestive of the particular department upon which it was intended to confer this power. But if from the proceedings of the Convention and the debates in that body nothing satisfactory can be gleaned upon the subject, much may be learned from the after debates in the State conventions. We shall give but one reference upon this subject, although we might quote many others. Governor Randolph, of Virginia, who had much to do with the fashioning of our Constitution, in a speech in reply to Patrick Henry in the Virginia Convention, who had assailed the Constitution because it conferred the power to suspend the privilege of the writ of *habeas corpus* upon the Legislature, said:

"I contend, Mr. President, that the *habeas corpus* in this Constitution is at least on as good and secure a footing as in England. In that country its suspension depends upon the Legislature and not upon the Crown. That great writ of right can only be suspended here in the same way, by the Legislature in cases of extreme peril, never by the Executive."

Our fathers very justly conceived that in dangerous critical times like the present, the people would be willing to part with a portion of their freedom temporarily; but the warning voice of history had clearly indicated to them that such loss to be endurable must rest in the discretion of their representatives, and not in the breast of one man. They had studied the causes of revolutionary action too closely not to know that this one-man power could not be tolerated for a moment except by those who, to use the language of Thomas Jefferson, were born with saddles on their backs and bits in their mouths, that tyrants might ride and spur them by the grace of God.

The men of our early day, Mr. President, had a perfect horror of conferring arbitrary power upon a single individual. For them, arbitrary power in whatever shape it appeared, whether under the veil of legitimacy, skulking in the disguise of State necessity, or presenting the shameless front of usurpation, was the sure object of their detestation and hostility. They might give this tremendous power to suspend the privileges of this writ to the law-making authority, because the act of

suspension was a legislative act, and because in this way due notice would be given to the citizen when the exigency arrived; but to leave it optional in the discretion of one man, however exalted or honest he might be, to strike down the liberty of the citizen without warning, as has been done, *this* these haters of tyranny would never have consented to. They believed, in the language of Burke, in his speech on the impeachment of Hastings:

"It is a contradiction in terms, it is blasphemy in religion, it is wickedness in politics to say that any one man in a free State should possess arbitrary power over the liberty of the citizen, either in peace or war."

It was unquestionably the grand aim of the framers of the Constitution of the United States to establish a Government which would not only be nominally free, but substantially so. It was with this view they reared those barriers to political maladministration which had been unfolded to their observation, and were the gathered wisdom of a thousand years. They knew that the safety of the people was the supreme law, but they believed in the Constitution. They believed that above that Constitution there was no law; outside of it there was no security.

The Senator from New Jersey who preceded me on this floor, in an elaborate speech that he delivered while here, stated that the language of the *habeas corpus* clause in our Constitution was new and peculiar; and that in discussing where this power of suspension resided, we must set aside the analogies of English history altogether. What he meant to convey by this idea I am at a loss to know. He must have been strangely oblivious to English precedents, where the use of this clause may be found almost in the very words used by Mr. Pinckney himself, who doubtless borrowed them from thence. He is no less unfortunate when he attempts to show that the analogies of English history must be excluded, and have no bearing upon the point in issue. Any school-boy, with but a smattering of English history, could have told him better. All his ingenuity will fail to convince the people of New Jersey that their fathers had no reference to and no thought of those eventful centuries of strife between the king and the people, amid whose fierce throes this great privilege was born. Why, there never was a time in English constitutional history when the power of suspending this writ did not exist somewhere. There can be no manner of doubt on that point. The controversy always was, where does it reside, in the Parliament or in the Crown? The formal contest for this discretion to imprison and detain without trial marked the change in the English Government from monarchy to aristocracy, and thence to democracy, as this power over the *lex terre* has resided in one or other of these departments of the Government from the Conquest to this time. The personal liberty of the sub-

ject was a natural inherent right, which could not be surrendered or forfeited unless by the commission of some great and startling crime. This was a doctrine coeval with the first rudiments of the English constitution, and handed down from Anglo-Saxon ancestry, notwithstanding their Danish struggles; asserted afterwards and confirmed by the Conqueror himself; and though sometimes much impaired by the ferocity of the times and the occasional despotism of jealous, exacting princes, yet established on the firmest basis by the provisions of *Magna Charta* and a long succession of statutes on through the grand struggle over the Petition of Right, until it culminated in the great *habeas corpus* act of Charles II., justly styled a second *Magna Charta*.

It would require something more than Senator Field's *dictum* to make good such a false and forced position as this. The history of England for centuries is against him; the sentiments of all her historians are antagonistic to his position; and lastly, the declarations of the men who assisted in framing our Constitution stand in his way. During the struggle between the monarch and the Commons, in 1628, in reference to a royal grant of a declaration of rights, Charles I. took the very ground sustained by Mr. Field and the Senators on the other side of the Chamber:

"That there might be times of rebellion, times of danger to the State, when the safety of the commonwealth and the necessities of the hour might demand the unrestricted exercise of the royal prerogative, and, for the time being, the liberty of the subject must give way."

This, too, was the obsequious language of the House of Lords, who at that time, stood by the king against the freedom-loving House of Commons. Let us glance for a moment at the history of those times; carry our minds back to the age of those stern, unyielding men who, in spite of the terrors of the royal frown, then and there established a barrier against the encroachment of the king's prerogative. Let us listen to their very words, to learn if we cannot catch, from those who resisted usurpation then, some traces of that spirit which, more than a century after, on this side of the Atlantic, manifested itself in the bearing and actions of the men of 1787. Let us see, sir, whether, as Mr. Field says, the analogies of English history can be set aside in considering that clause in our Constitution forming, if rightly respected, the great bulwark of the freedom of the citizen. Said Sergeant Ashley, in that memorable debate constituting a landmark in history:

"Divine truth informs us that kings have their power from God, and are representative gods; the Psalmist calling them the children of the Most High. Can we conceive, then, that so exalted a person as the king hath so far committed the power of the sword to inferior magistrates, that he hath not reserved so much

supreme power as to commit an offender to prison without showing cause, and wthout warrant? I contend, therefore, that for offences against the State, in times of rebellion or in critical emergencies, the king or his council hath lawful power to punish by imprisonment without showing cause. The martial law, though not to be exercised in times of peace, when recourse may be had to the king's courts, yet in times of invasion or other times of hostility, when an army royal is in the field, and offences are committed requiring speedy resolution, and cannot expect the solemnities of legal trial, then such imprisonment, execution, or other justice done by the law-martial is warranted by the king."

The language used by Mr. Field, the Attorney-General of the United States, and others, is but the echo of the degrading servility and baseness of this celebrated advocate of the divine right of kings. We do not know whether a grateful master ever conferred upon him a judgeship for his services; but we have no doubt he obtained a substantial reward.

But even such crouching at the king's footstool by the obsequious, politic Sergeant, was more than even the Lord President of the committee of the House of Lords could stomach, for he told the Commons:

"That while at this free conference liberty was given by the Lords to the king's counsel to speak what he thought fit for his Majesty's service, yet Mr. Sergeant Ashley had no authority from them to speak such servile words as he had done."

And how did the manly, noble spirits, who at that early day had the courage to resist the claim of king and counsel to arrest and imprison the subject without cause or accusation, answer?

Said Sir Edward Coke, with his usual quaintness and directness:

"As the centre of the greatest circle is but a little speck, so the weightiest matter ever lies in a little room. It was a wonder for him to hear that the liberty of the subject could be thought incompatible with the regality of the king. In one point the king's attorney had come close to him. He was glad he had awaked him. Because a king is trusted with greater things, such as war, money, pardons, &c., therefore, he should at sometimes have absolute power over the liberty of the subject. We emphatically deny his conclusion; for the liberty of the subject is far more than all these; it is *maximum omnium humanorum bonorum*—the very sovereign of all human blessings. No citizen can thus hold his liberties as tenant at will to the sovereign. Mr. Speaker, there is no such tenure to be found in all Littleton."

"What!" said the king's counsel, "can you arrest none without process or original writ? The suspected fellows may run away." To whom Coke answered:

"The law gives process and indictment, and therefore gives all the means that any emergency can demand."

Said William Mason:

"It hath been solemnly and clearly resolved by the House, that the commitment of a freeman, without expressing the cause of commitment, is against the law. If you give this power by reason of the necessities of the State, you will spring a leak which may sink all our liberties, and open a gap through which *Magna Charta*, and the rest of the statutes, may issue out and vanish. We must never relinquish to the Crown this right to interfere with our liberties."

In a subsequent debate upon the same subject, Sir Edward Coke said :

"I know that prerogative is part of the law, but sovereign power is no parliamentary word. Take we heed what we yield unto. *Magna Charta* is such a fellow that he will have no sovereign."

These were the sentiments of the men who wrested the Petition of Right from the first Charles, and compelled him to say, let right be done, as is desired. The object of these bold men was the preservation of personal liberty, in conformity to the express language of *Magna Charta*—

"That no freeman shall be taken or imprisoned but by the lawful judgment of his equals, or the law of the land."

Now, sir, the privilege of the writ of *habeas corpus* at that time existed at common law. It was the remedy for such as were unjustly imprisoned to obtain their liberties. Many abuses, however, having been introduced in the mode of granting it, other statutes were passed. Early in the reign of the first Charles, the courts, relying on some pretended precedents, determined that they could not, upon the *habeas corpus*, either bail or deliver a prisoner, though committed without any cause assigned, in case he was committed by the special command of the king or by the lords of the privy council. This, sir, drew on the parliamentary inquiry, which resulted in the Petition of Right, to which reference has just been made. The statute, passed in conformity with that petition, enacts "that no freeman shall hereafter be so imprisoned or detained." But in the following year, Selden and others were committed by order of the lords in council, pursuant to his Majesty's command, under a general charge of notable contempts and stirring up seditions against the king and the government. This gave rise to great excitement in the public mind, and to another statute in the sixteenth year of the same king. But the *habeas corpus* act of the next reign, originating in the oppression of an obscure individual, was considered as another *Magna Charta* by Englishmen. Thus, sir, you will note this significant fact, that flagrant abuse of power by the Crown, or its ministers, was always productive of a popular struggle, a struggle that pro-

claims either that the exercise of such power was contrary to law, or, if legal, restrains it for the future. In speaking of the great *habeas corpus* act passed in the reign of Charles II., Sir William Blackstone, writing several years before our Constitution was formed, and whose invaluable work had been studied thoroughly by the men who framed that Constitution, says :

"This writ is of great importance to the public; for if it were once left to the power of any, even the highest magistrate, to imprison arbitrarily whenever he or his officers thought proper, then there would soon be an end of all other rights and immunities. Some have thought that unjust attacks, even upon life or property, at the arbitrary will of the magistrate, are less dangerous to the commonwealth than such as are made upon the liberty of the subject. To bereave a man of life by violence, to confiscate his estate without accusation or trial, would be so gross and notorious an act of despotism as would at once convey the alarm of tyranny throughout the kingdom; but confinement of the person, by secretly hurrying him to jail, where his sufferings are unknown and forgotten, is a less public, a less striking, and therefore a more dangerous engine of arbitrary power; and yet, when the State is in imminent danger, even this is sometimes a necessary measure; but the happiness of our constitution is that it is not left to the executive power when the danger of the State is so great as to render this measure expedient, for it is the Parliament only can authorize, *when it sees proper*, the Crown, by suspending the *habeas corpus* for a short and limited time, to imprison suspected persons without giving any reasons therefor."

And yet, with this array of historical facts staring him in the face, with all these English analogies encouraging them to imitate, if not improve upon, the noble lessons they should have taught them, the late Senator from New Jersey, and other apologists for executive usurpation, endeavor to convince their readers and hearers that these proud incidents in history had nothing to do with originating this *habeas corpus* clause in our Constitution.

No, no, Mr. President, the men of our Constitutional Convention were familiar with the history of the civil polity of the world. But more thoroughly had they studied the contest, that had been going on for centuries in the mother country, between the Crown and the people. Our fathers had been protestants against prerogative and its usurpations. They had felt the weight of its iron hand rest heavy on their loins, and they determined to throw it off. They knew how the flood of usurpation had attempted to overwhelm their fathers, and they placed this *habeas corpus* clause in the Constitution of the new government they were framing, that it might stand there for all time, as the great breakwater against the efforts of arbitrary power.

In the argument of my predecessor, Mr. President, I find he asserts "that when the *habeas corpus* clause was inserted in the Constitution

the United States had no writ of *habeas corpus*." He lays down this self-evident proposition as though it was some startling truth. It is true that at this time the United States had no writ of *habeas corpus*, because there was no such government as the United States. But if by this he meant to convey the idea that the colonial governments did not recognize the existence of the writ, or that the States did not, I take issue with him. The old Constitution of his own State, adopted two days before the Declaration of Independence, and a dozen years before the Constitution, contains this clause :

"The common law of England, as well as so much of the statute laws as have been heretofore practised in this colony, shall remain in force until they shall be altered by a future law of the Legislature."

And most of the State Constitutions adopted after the Declaration contain similar clauses.

But Mr. Field caps the climax of folly and presumption, when he declares that all experience teaches that the only safe depositary of this power to suspend the privilege of the great writ is the Executive, which the Constitution has made for us, standing upon the only basis of the Constitution, with no other support than the integrity and patriotism of the man who has been elected to it by the people. Heaven preserve us if this be so! We have seen judges torn from the very seat of judgment by this Executive. We have seen the absolute rights of the citizen made a delusion and a mockery of, and the whole land startled by usurpation after usurpation, directed, controlled, and justified by this very Executive.

The late Senator from New Jersey appears, in his very elaborate speech, to have a very strange mode of deriving the power in the President to suspend this writ, from the peculiar phraseology of the two sentences :

"All executive power shall be vested in the President of the United States; and all legislative power *herein granted* shall be vested in a Congress of the United States."

To the first clause he gives a general construction ; to the last a special and limited, insisting, that while Congress is confined, by the terms of the grant, specially to the exercise of only such powers as are enumerated, the executive power is beyond and above the Constitution ; or, in other words, the President, neither in peace or war, has any limits set to his authority. His will must be the law, and his sworn duty is to define what is necessary and proper, while the duty of the people, over whom he sways the sceptre, is to obey. This is certainly the fair

interpretation to be given to the conclusions of Mr. Field's singular logic :

"If you give the powers to Congress, they should be specially named in the grant; but not so with the Executive, *inasmuch as the power, from its very nature, is an executive power.*"

In other words, in plainer English, the people's representatives, in the exercise of their powers, are confined strictly to the words of the grant; whereas the Executive takes any and all power by implication. Well, surely, this is a novel mode of interpretation, and an interpretation which I hardly think the good people of New Jersey would be willing to adopt. It is in accordance, however, with the base servility of the times, and most certainly entitles its author to a place on the United States bench, where he can elaborate more fully this peculiar dogma, and, if necessary, aid the embodiment of the war power, at the other end of the avenue, in carrying out and consummating his peculiar edicts. We had always supposed that "the short term for which the President was elected, and the narrow limits to which his power was confined, manifested the jealousy and apprehension of future danger which the framers of the Constitution felt in relation to that department of the Government." At least so once said Chief-Justice Marshall. But a greater than Marshall is here, in the person and theories of the late Senator from New Jersey. He has seen a marvellous light, which certainly was not vouchsafed to the eyes of the men who laid the foundations of this Government, and who certainly, if we are not presuming, understood the true theory and system of our Government much better than Mr. Field.

Mr. Field appears really to me, throughout the whole course of his speech, and his singular positions, to have presented us with a very good imitation of the Quack in Molière's play of "The Sick Man in Spite of Himself." Geronte, in that play, in amazement, says to the Quack :

"My dear doctor, you reason well, but there is one thing that staggers me in your lucid explanations. I always thought, till now, that the heart was on the left side and the liver on the right."

"*Quack.* Ay, sir, so they were formerly, *but we have changed all that.* The college proceeds on an entirely new method."

"*Geronte.* I ask pardon, sir."

"*Quack.* Not at all. Oh, there is no harm done. You are not obliged to know as much as we do."

It may be that this is the case with the unenlightened people of New Jersey. They are not, by any means, obliged to know as much as Mr. Field; and I fervently trust that they never may, and will never

consent to indorse and subscribe to any of the teachings of that school. If they do, their liberties are gone.

I turn from such an atrocious sentiment to the sentiments of Daniel Webster, who understood so fully where existed the limits within which executive power could move, and upon whose well-defined lines were written the warning words—thus far shalt thou go, and no further. In his speech on Jackson's protest, he said :

"Who is he that belies the blood and libels the fame of his ancestry, by declaring that the security for freedom rests in executive authority ; who is he that invokes the executive power to come to the protection of liberty ; who is he that charges them with the insanity and recklessness of putting the lamb beneath the lion's paw ? No, sir; no, sir. Our security, both in war and in peace, is in our watchfulness of executive power. Sir, I will never trust<sup>r</sup> executive power to keep the vigils of liberty."

These are right royal words, and I would have them written upon the walls of all the private and public seminaries of the land, that our youths might be taught early to fear the advance of arbitrary power. I would have them written above the altars of the churches, that the priests and their congregations might learn what lawful authority means, of which they prate so much and know so little. I would have them engraved upon the door-posts of these Houses of Congress, that the representatives of the States and the people might be taught in what way the rights and liberties of this people are to be guarded from encroachment. Mr. President, when we contrast the argus-like vigilance of such men as Henry, Martin, Barbour, of the Revolutionary era, and contrast their indignant protests against executive encroachment, and their jealousy of executive power, with the thoughtless indifference and wretched subserviency of men who profess to be statesmen and patriots, we may well stand aghast at the fearful degeneracy of the times.

Can it be possible that these disinterested patriots of that early day were mistaken, and the men of our day, whose chief patriotism seems to consist in supporting themselves out of the coffers of a straitened Treasury, could thus strangely discover the true theory of this Government ? Our modern political philosophers would inculcate that when the Government is in a hand to hand conflict with revolted States, we must put all confidence in the executive head of this nation ; nay, that we must permit him to execute power, even if it savors of despotism, on the jesuitical principle that the end justifies the means. Now, on the contrary, Mr. President, I hold that it is at just such times as these when the mind of the true patriot should be most distrustful, when his eye should be the most watchful, and when, with the armed force surrounding

the Executive, he should be the more suspicious of the authority that controls it. But when, instead of confining the exercise of power within the well-defined lines of the Constitution, he finds it breaking down all the guards and fences that surround him, and invading those sacred precincts where the liberty of person, of speech, and of thought were supposed to be guarded with more than argus-like vigilance, the true patriot should arraign such despotic attempt, although all the terrors of imprisonment, nay, of death itself, should surround him.

It is a libel upon the spirit of our forefathers, it is a libel upon the men who framed our Constitution, to suppose that any such authority can exist in the Federal head of this Government. In the midst of the gloom of the present, with the eye of faith methinks I can see around us and above us some faint harbingers of hope for the future. As Columbus sailed toward that new world he gave to Castile and to Leon, while mutiny was in the vessel, and around the dreary waste of waters murmuring only despair, we are told that flowers and carved woods came floating around him, while resting on his mastheads were birds of the most gorgeous plumage. So to us, sir, in the midst of the gloom of the present, come here and there these harbingers of the firmer land to which we are sailing. God hasten our coming, that we may once more plant our feet upon its firm foundations, the land of constitutional freedom, the hope of the world.

---

#### PEACE OR SEPARATION.

*Meeting of the Democratic Club, Philadelphia, May 9th, 1863.* 32

MR. PRESIDENT AND GENTLEMEN OF THE DEMOCRATIC CLUB:

These are no holiday times. The pursuit of politics by the great mass has heretofore been a sort of pastime—an amusement for a leisure hour—while the few followed it for mercenary ends and base purposes. We have been sailing on summer seas and beneath placid skies so long, that, lulled into indifference by the serenity of the hour, the apparent absence of all danger, we were content to let inferior men and minds control the guidance of the vessel. Now, alas! in the wild sweep of a tempest, such as no ship of State ever encountered before, that strains every timber and bends every mast, we feel in such a hurricane how mad we have been in intrusting the fate of our vessel, at any time, to such incompetent, reckless seamanship, and the swayings of its helm to the feeble, trembling grasp of such a pilot.

It is fearful to gravely think upon the really awful condition of our

affairs. No man can tell how long it may be before the North itself will be drawn into the deadly whirl of the maelstrom of revolution, by the folly and madness of its own rulers. No man seems to have power to discern the hidden links that join effect with cause, and underneath the shifting, motley play of events, that looks so much like a terrible dance of accidents, to discover whither the awful stream is flowing to its destination. It seems, to our limited comprehension, a whirlpool of happenings, a carnival of impulses, a dance of chances; and yet, my friends, if we had only the sagacity to penetrate the end from the beginning, we might find, in what we call chances, there is a calculable regularity; over, apparently, the wildest jumble of events, there presides the firm, majestic sway of law—THE LAW OF RETRIBUTION.

It requires now every energy of the mind to comprehend and master the simple order of events as they succeed each other with fearful distinctness—to learn, by the faint light they shed, whither we are drifting; and it, therefore, becomes the bounden duty of every patriotic citizen to give every energy of his mind to the study and investigation. Politics, remember, has ceased to be a pastime, and is fast being restored to what it was in the early days of our Republic—a science. It will cease, under such impulses as are now agitating the public mind, to be, what it has been so long, the art of obtaining office and keeping it, and resolve itself back again into “the science and art of government”—its true definition.

It has been, no doubt, because politics had been transformed into a mere trade, and was looked upon as the *compensatory* pursuit of an inferior body of men—of bar-room brawlers and corrupt schemers—that this country finally drifted into a civil war. The revolution caught us with this class of men in power. The fearfully corrupt influences of money at elections, bribing voters, bribing legislators, bribing government officials, at last brought this country to the position where Juvenal's sarcasm, “*Omnia Roma cum pretio*”—“All things at Rome are for a price,”—found the seven-hilled city. And who shall say that Heaven's judgment is not at this hour upon the land for our iniquities in this direction? “For the sin of our covetousness is He wroth.” Has not avarice eaten out the heart of this nation; and do we not see men all around us to-day who are heartlessly speculating upon the calamities of their country?—turning the very bones and blood of their slaughtered countrymen into profit—human vampires, sucking blood from their country's veins, while, with the fanning wings of honeyed words and patriotic professions, they are endeavoring to lull their victim into unconsciousness of their designs. The cry that comes up for a further continuance, or, as the phrase runs, a “vigorous prosecution of this war,” out of the

throats of government contractors, pensioners, pilferers, and renegade Democrats, will continue to wax louder and louder. They will jostle each other at this feast of death, so long as there is any thing else to gorge themselves withal. Avarice is a most fearfully fiendish passion. It brooks no double reign. It must be absolute ruler; and when once it attains the mastery in the human heart, it will have no brother near the throne, there remains no longer room for a single virtuous spasm, and it occupies that withered thing alone. The idea that a single patriotic impulse can remain, is simply preposterous.

I have been a close observer of the progress of this civil war, and, loving my country and her institutions, with a devotion intensified by the fact that a double current of revolutionary blood courses through these veins, I have felt a shudder of horror when I looked round me in times like these, and noticed the high officials of the Government—the men of trade—the plutocracy of this land—urging on a continuance of this strife, while they remained behind to speculate and fill their yawning coffers with ill-gotten gains. The swelling hillocks on the Peninsula—the new-made graves at Antietam—the ensanguined soil at Fredericksburg—may press upon the breasts of their slaughtered countrymen, and they are not here to testify; but when that Great White Throne shall be set in the heavens, and the dead, small and great, stand before the Judge of all the earth, where then, I ask, will be the corrupt mock-patriots of to-day, the shoddy contractors, and the hired syeophants of this Administration, whose fervid appeals deceived, and whose bribes lured their victims to their untimely graves—as, sheeted spectres, each in his bloody shroud, they come to lay their complaints at the foot of the Throne? When I look round me, my friends, everywhere, and note the men who are hourly flaunting their patriotism in everybody's face, making broad the phylacteries of their unselfish devotion to country, and charging every man with disloyalty who dares to differ with them, I am reminded of that telling sarcasm of Douglas Jerrold's: "If," said that keen observer of human nature, "the devil takes a brimstone walk through our churchyards, how he must chuckle and rub his brimstone hands when he reads some of the inscriptions on the tombstones; how he must hold his sides at the 'Loving husbands,' 'Pious Christians,' 'Honest citizens,' he sees advertised there! For he knows better—he knows better!" And so, as he wanders through our churches of a Sunday, in our busy marts of trade on a week-day, or whisks his brimstone tail through the sumptuous drawing-rooms of some of our Union Leagues, and scrutinizes closely the men who are proclaiming so loudly their devoted patriotism, as he watches every pulsation of their narrow hearts, how he must chuckle, and grin, and

rub his brimstone hands, "for he knows better—he knows better!" The fact is, my friends, this civil war has served to develop phases in human nature revolting to the finer sensibilities of the human heart. It has manifested that patriotism is oftentimes only another name for avarice, and made good that telling definition of Johnson, that it is many times "the last refuge of a scoundrel." Men are found whose love to their country consists in simple devotion to themselves, and whose malignity increases as the bold, calm, scrutinizing gaze of honesty unmasks their designs. They throng your churches, your streets, your places of business, and magnify themselves upon your rostrums, denouncing men whose honesty and sincere patriotism makes them ashamed of their own pinchbeck imitations. Like the Pharisees of old, these men are zealous in the outward form and demonstration, and neglect righteousness, mercy, and truth—thinking to compensate for their defects in the duty of one table, by strictly observing the duties of the other. The tithed mint and cummin may be paid, but the nobler, more substantial duties, are neglected. Like their prototypes in the days of our Saviour, they profess a great respect for the ancient prophets, the fathers of our Republic, and yet are eager and willing to practise the same persecutions upon us of which our fathers complained. They do most literally "build the tombs of the prophets, and garnish the sepulchres of the righteous," and yet would have been partakers with the persecutors of old in the blood of the saints. "These men borrow," as the eloquent Wallis has said, "from the vocabulary of despotism, the name of disloyalty, to designate that undefined and undefinable offence, not known to free institutions, which appears to consist in questioning the wisdom, canvassing the policy, doubting the integrity, and, if need be, resisting the corruptions and usurpations of those who temporarily hold and prostitute power. With like propriety and consistency, they adopt the catch-word of 'loyalty' to designate the equally undefinable public virtues which they would force men to believe they and their partisans embody and monopolize." These men worship and fall down before a relic, a symbol, a piece of bunting; while they have not hesitated most flagrantly to violate every principle of freedom that flag was made to protect. They remind me of the saying of that pious father of the Roman Catholic church, who, after visiting Becket's shrine, and witnessing the outward devotion and immoral lives of the pilgrims that thronged round it, declared, "these hypocrites kiss the old shoes and handkerchiefs of the saint, but neglect his pious teachings, and the valuable lessons of his most holy example. They venerate his shirt and clothes, but leave his writings to be devoured by vermin." How forcibly all this applies to the hypo-

critical veneration we have seen suddenly displayed by the Abolitionists for the mere emblem of our nationality, while they themselves have been, from the first, the chief confederates against the very integrity of that nationality. They worship the relic now, while all along they have despised the teachings and doctrines of the men who gave us that flag.

But to pass from individuals to the consideration of the grave events that now surround us, and of which we form a part.

Alas, for our country and its future! the fanaticism of a degenerate age secured the control of the councils of the nation, that had been swayed before by far-seeing, patriotic statesmen. Dr. Johnson used to say, "that fanaticism was robust ignorance." We are, day by day, having a realizing sense of the truth of this definition. Fanaticism first, by its robust ignorance, brought the sections face to face in deadly conflict. In its robust ignorance, it trifled with the gravity of the crisis, and plunged us all into the horrors of a ruptured brotherhood, where it might have stayed, and that forever, the progress of the evil. Such political fanaticism as now controls, and has, for some time, the affairs of this country, is most truly "robust ignorance." It is robust in its obstinacy—it is robust in its senseless passion—it is robust in its utter ignorance of cause and effect—it is robust in its insane disregard of consequences—it is robust in the despotism it would impose. The fanatics who hold to the opinions of the Republican creed do not exactly hold opinions, but opinions hold them. As old Donne most quaintly saith: "When such men are possessed of error, it is like a devil only to be cast out with great difficulty and much suffering; and when it does come out of them, it teareth them, and they wallow foaming."

It is to the robust ignorance of just such men this country is indebted for its present demoralized and distracted state. It was robust ignorance of the very first principles of this Government that induced these fanatics to assert that the existence of the question of slavery was paramount to the question of national existence—better that our Constitution should perish, and our nationality expire, than there should be the clank of a single fetter heard on the limbs of a slave. It was robust ignorance that caused these wretched fanatics to prefer civil war, with all its horrors, to compromise—to assert, as Senator Chandler did, "that it would be better the nation should be let bleed a little, to save it from the plethora induced by a long peace."

It is, I know, gravely asserted by these men, that the present condition of the country was the result of the obstinacy and fixed determination of the Southern Senators in Congress; and that no effort of con-

ciliation or compromise would have been listened to, or heeded by those who had for thirty years desired the dismemberment of the Republic. In antagonism to their position, the damning fact is upon the record that the measures of compromise and conciliation, generally known as the Crittenden Compromise, were steadily opposed by the Republican members of the Senate. Their efforts to defeat them were in the ordinary mode of amendments and postponements. The final vote was taken upon the propositions on the 3d day of March, just one day before the adjournment of Congress. On this vote, every Democrat and every Southern Senator voted for the propositions, and every Republican Senator against them. But even suppose that every Cotton State Senator, and all the rest of the Southern Senators, together with all the Democratic Senators of the North had voted aye—it would not have saved or secured the Crittenden Compromise—it would have only given it a majority; it required a two-thirds vote, and ten Republican votes would have been necessary. It never received one. The Republican party was against the proposition, and in caucus agreed that no concessions were to be made, no settlement had. Whatever responsibility attaches for the horrid crime of this war is upon their souls, not upon ours. Said the young and eloquent Senator from Ohio, Pugh: "Remember the Crittenden propositions had been indorsed by the almost unanimous vote of the Legislature of Kentucky. They had been indorsed by the Legislature of the noble old Commonwealth of Virginia. They had been petitioned for by a larger number of the electors of the United States than any proposition ever before Congress. I believe in my heart to-day, they would carry an overwhelming majority of the people of my State, ay, sir, of almost every State in this Union. Before the Senators from the State of Mississippi left this Chamber, I heard Mr. Jefferson Davis, who assumes now to be President of the Southern Confederacy, propose to accept it, and to maintain the Union, if those propositions could receive any support from the Republican side of this Chamber. Therefore, of all your propositions, of all your amendments, impartial history will write it down, that at any time before the first of January a two-thirds vote for the Crittenden resolutions in the Senate, would have saved every State in the Union but South Carolina."

Senator Douglas at the same time said, and I invite the special attention of his admirers to his sentiments: "I can confirm the Senator's declaration that Senator Davis himself, when on the Committee of Thirteen, was ready at all times to compromise on the Crittenden propositions, and I will go further and say that Toombs was also."

But Mr. Douglas fixes the responsibility where it belongs, and the charge will cling to the Republican party "like the poisoned shirt or

Nessus." In the following passages from his speech of January 3d. 1861, kept in the background by those of the Douglas party that have sold themselves to the Republican, the eloquent Senator had been pleading with them not to obstinately refuse concession—he had in his graphic manner depicted the horrors of a civil war he thought he saw ready to burst upon his unhappy country, if they madly refused to give the people the opportunity to pass upon the conciliatory measures before Congress; and then as if discerning that all his pleading would be in vain, he says:

"I regret the determination to which I apprehend the Republican Senators have come, to make no adjustment, entertain no proposition, and listen to no compromise of the matters now in controversy. I fear, from all the indications, that they are disposed to treat the matter as a party question, to be determined in caucus with reference to its effects upon the prospects of their party, rather than upon the peace of the country and the safety of the Union. I invoke their deliberate judgment whether it is not a dangerous experiment for any political party to demonstrate to the American people, that the unity of their party is dearer to them than the Union of these States. Their argument is, that the Chicago platform having been ratified by the people, in a majority of the States, must be maintained at all hazards, no matter what the consequences to the country. I insist they are mistaken in the fact that this question was decided by the people at the last election. The American people have not decided that they preferred the disruption of this Government, and civil war, with all its horrors and miseries, to surrendering one iota of the Chicago platform.

\* \* \* \* \*

"Why not give the people a chance to vote upon these propositions. If the people reject them, theirs will be the responsibility, and no harm will be done by the reference. If they accept them, the country will be safe and at peace. The political party which shall refuse to allow the people to determine for themselves at the ballot-box the issue between revolution and war on the one side, and adherence to a party platform on the other, will assume a fearful responsibility."

With the comprehensive glance of a statesman, combined with the sensitive apprehensions of a patriot, he saw that the moment was big with fate. The happiness of millions of his countrymen hung trembling in the balance, and his great mind never put forth such strength; the passions of his soul never pictured themselves so strongly in his expressive face, as on that memorable day when he pleaded so earnestly with the Republican fanatics, in the Senate, not to give the heritage bequeathed to us by our fathers to reproach. He saw at a glance what the blind obstinacy or perverseness of his political opponents would not see, that a great revolution was imminent, that could be prevented by compromise early and graciously made. Says Macaulay: "We know of no great revolution which ought not to have been prevented by compromise early and graciously made. Conspiracies and insurrections in which small minorities are engaged—the outbreak of popular violence unconnected with any extensive project or any durable principle, are best repressed by vigor and decision. But no wise ruler, no statesman,

will confound the prevailing taint with the slight local irritation. They will not treat the deep-seated discontents of a great party as they would the wild fury of a mob, that destroys mills and power-looms. The neglect of this distinction has been fatal even to Governments strong in the power of the sword."

Here was just the unpardonable error, the inexcusable stupidity of the Abolition party in Congress. With eyes blinded by the mists of fanaticism, and with judgments hopelessly darkened, they mistook the uprising of a great people, "for the wild fury of a mob that destroys mills and power-looms." That error may yet prove fatal to the Government they attempted to guide.

But this attempt at conciliation and compromise in the Senate was not all. Virginia, the fruitful mother of States and of statesmen, true as ever to the great interest of Union, attempted to roll back the tide of civil war by one effort more. Upon the basis of a settlement under the Crittenden Compromise, she called the celebrated Peace Convention. Every man must remember with shame and confusion of face, the history of that last effort to save the country from the visitation of civil war. The Peace Convention originated with a Southern State. Its measures and its policy were beaten down and trampled under foot by the robust ignorance of the fanaticism whose plottings against the Constitution had made such a Convention a necessity. While this Congress was in session and good men were exerting themselves to save us, the following letter was written to Governor Blair, of Michigan, by Senator Chandler, who stands high to-day in the confidence of the Administration:

"MY DEAR GOVERNOR:—Governor Bingham and myself telegraphed you on Saturday, at the request of Massachusetts and New York, to send delegates to the Peace or Compromise Congress. They admit that we were right, and they wrong—that no Republican State should have sent delegates. Ohio, Indiana, and Rhode Island are caving in; there is some danger of Illinois; and now they beg us for God's sake to come to their rescue, and save the Republican party from rupture.

"Truly, your friend, Z. CHANDLER.  
"P. S. Some of the manufacturing States think that a fight would be awful. Without a little blood-letting, this Union would not be worth a curse."

And in a back room, at Willard's Hotel, a caucus was held, in which one of your Pennsylvania Republican Representatives made a speech, and is reported to have said: "Let civil war come; it could not be half as destructive to the great interests of humanity as the disruption of the Republican party." Whenever the impartial history of that Convention, and the doings of the midnight conspirators who thwarted its holy purposes, comes to be written, posterity will stand aghast at the revelations of the obstinacy of Northern fanaticism, and the double-

dealing and blood-thirstiness it shall lay bare. These men substituted their own private hate for the public quarrel, and then they forced on the war in the name of the American people. They thus engaged the country in their own quarrel. When Augustus wished to put in force the *lex latae majestatis*, for suppressing libels and lampoons, he took care, said Aurelius, not to do it in his own name, but in the name of the majesty of the Roman people. He contrived the cases in such a form, as though it was the majority of the Roman people that was insulted.

It is not my intention, to-night, to dwell at any great length upon the primary causes that provoked this deadly strife; but I cannot refrain from giving the subject more than a passing allusion.

I have lived long enough to have seen the cloud of Abolitionism when it was no bigger than a man's hand; and I have watched it spreading and deepening in its blackness, until now it darkens all overhead, and from its piled up masses comes the deep-voiced thunder, and the wild lightning that threatens to strike down one by one, all our free institutions. I am not old enough to have witnessed the first strife over the Missouri Compromise in 1820, and my ears, therefore, caught not the ominous sound that smote upon the sensitive ears of Jefferson—"like a fire-bell in the night." His clear meloncloned vision, saw with prophetic distinctness in the running of that geographical line, "the line of separation of these States, and rendering desperate the hope that man can ever enjoy the two blessings of peace and self-government." "My confidence is, I shall not live to see it," said the venerable patriot; "and I envy not the present generation the glory of throwing away the fruits of their fathers' sacrifices of life and fortune."

I am old enough to remember when the Abolition element, born of this strife over a geographical line, first took shape and permanency in 1844, when it formed a separate ticket for the Presidency and Vice-Presidency. Its wild ensadling forces were then for the first time formed into a regular organization. Fanaticism and false religious zeal were the motive powers that impelled them along, and under the banners of sectional hate and bigotry it rallied at the North a band of wild, unscrupulous fanatics, who elevated what they called "The Higher Laws" above Constitutional obligations and Constitutional guarantees—denouncing the great charter of our liberties as "a league with death and a covenant with hell."

Just at this momentous period came the Oregon question, and after that the Mexican, with its acquisition of territory; and then Free Soilism first raised its head, endeavoring to limit the Constitutional rights of the South in all the common territories of the Union, and, in time, in

conjunction with its Abolition ally, so convulsed the peace of the country, that its patriot statesmen had to rush from their retirements to save us from being precipitated into the gulf of disunion. The Compromise acts of 1850 for the moment saved the Union ; the snake's head was only wounded, however—the snake was scotched, not killed. The revival and reagitation of the Free Soil question in the Territories—the abnormal platform laid down by the fanatics who were agitating the question—gave fresh vitality and strength, and, casting its skin, it came forth a huge serpent, under the name of Black Republicanism, whose coils are at this very hour tightening round the Constitution and the States with a grasp, which, unless speedily loosened, will strangle them both together. It has beslimed every thing with the slaver of its venom, and poisons all things within reach of its infectious breath.

By the constant agitations of these corrupt factions, here a little, and there a little at first; but soon, as with a flood, fraternal affection was weakened; hate, jealousy, and discord nourished, and one by one the strong ties that bound us as a nationality were snapped asunder, and to-day we find ourselves standing face to face with the gravest event in the world's history—the separation of, and civil war between, the citizens of what was once supposed to be the most enlightened nation of Christendom. There clearly was a time in the history of the progress of this event when the war might have been averted, under the guidance of a wise and prudent statesmanship ; but, unfortunately, as I have before said, the revolution caught us with fools and fanatics in power. I believed at the outset, as I know now, that it would have been infinitely better to have let the seceding States depart in peace. I so urged members of Congress at the time, and the members of the Peace Convention. I believed then, as I believe now, that such a wise and generous policy would have disarmed resentments, would have softened and subdued hearts then swelling with hate, but which resistance must harden, and make more bitter still. With such a wise policy as that, in a few revolving moons, these "wayward sisters" would have, in penitence and tears, returned to the old homestead, beneath the old roof-tree, and to-day have been standing at our side, by the altar of a common nationality, and beneath the protecting shadow of the same flag, whose clustering stars, as heretofore, would have again emblemized a united people. I know that it is customary for the men now in power, and those who are growing rich under its patronage, to sneer at such sentiments as these, nay, to denounce every man who holds them as traitor. But let me call the attention of these modern loyalists to the sentiments of one they profess to honor as a patriot and

statesman—Daniel Webster. Said that truly great man, when alluding to his efforts to arrest civil war, in 1850 :

"In March, 1850, when I found it my duty to address Congress on these important topics, it was my conscientious belief, and it still remains unshaken, that if the controversy with Texas could not be amicably adjusted, there must, in all probability, be civil war and bloodshed; and in contemplation of such a prospect, although we took it for granted that no opposition could arise to the opposition of the United States that would not be suppressed, it appeared of little consequence on which standard victory should perch. But what of that? I was not anxious about military consequences; I looked to the civil and political state of things, and their results, and I inquired what would be the condition of the country, if, in this state of agitation, if in this vastly extended, though not generally pervading feeling of the South, war should break out and bloodshed should ensue in that quarter of the Union? That was enough for me to inquire into and consider; and if the chances had been one in a thousand, that civil war would be the result, I should have felt that that one-thousandth chance should be guarded against by any reasonable sacrifice; because, gentlemen, sanguine as I am of the future prosperity of the country, strongly as I believe now, after what has passed, and especially after the enactment of those measures to which I have referred, that it is likely to hold together, I yet believe that this Union, once broken, is incapable, according to all human experience, of being reconstructed in its original character, of being reconstituted by any chemistry, or art, or effort, or skill of man."

These were the promptings of the heart of a true patriot—the honest convictions of the mind of a far-seeing statesman; and as we read them and compare the man and his sentiments, with the men and their sentiments who filled the counsels of the nation in 1860–1, it makes one's heart sick. The reins of the chariot of the sun in Phaeton's hands were under surer guidance than the reins of this Government in the hands of those who then held them. For some time previous to the election of Lincoln, from the signs of the times, from the sectional bitterness manifested in Republican platforms, and from the growing sectional hate fast being developed in the Northern mind, I thought I saw pregnant signs of the coming of the terrible issue that is now upon us. In 1859, at the great Union meeting held in Newark to denounce the John Brown raid, I said: "It may be that this Union is not in immediate danger; but admit that it is reduced to a question of time—and there is danger in the very thought—it does, however, really appear to me that there never has been a time in the history of this country, that such a singular unanimity prevailed among conservative men of the South, as to the wisdom of withdrawing from a confederacy, where neither their rights nor their property are respected. As long as extremists uttered these threats, I did not think them worth minding; but when the cool conservative men of the South begin to weigh in the balances of their calm judgments, the power of the South to stand

alone, without the North, I tell you, my countrymen, there is danger. It has been declared here to night, ‘that there can be no dissolution of the Union, because it is a solemn compact made, not between the States, but by the people of the Union.’ It should be remembered, however, that the Constitution was adopted by the States. As States they came into this Union, and they may return in the same way. The theory may sound well, that this Union cannot be dissolved except by the act of the whole people; but pray what will become of the theory, if fifteen States of this Confederacy, by solemn conventional act, withdraw their representatives from both houses of Congress? Where, I ask, is the compelling power, the attractive force to bring back these orbs that have thus dashed madly from their spheres? Will you compel them by the military power, by the coercion of your army and navy, and visit upon them the penalties of rebellion? You, then, inaugurate civil war, and can only realize the fearful truth of what Mr. Madison declared in the Constitutional Convention, ‘That the use of force against a disobedient State or States will look more like a declaration of war, and will rightfully be considered a dissolution of the previous contracts by which it may be bound.’ I look upon a dissolution of this Union as amongst possible events, and when that evil hour shall come, the minds of those who counsel such a deed will be in no tone to parley about constitutional obligations or constitutional rights. They will fall back upon the doctrine of State Rights, as sanctified by the Virginia and Kentucky Resolutions of ’98. They will elevate the emblems of State sovereignty, above the emblems of the Union, and beneath their folds, or those of some Confederate banner, they will stimulate the minds of their people, until they shall mistake passion for principle, and sectional hate for the promptings of patriotism. With South thus arrayed against North, the first blood spilled upon the battle-field, and the separation of this Union becomes final, irrevocable. A great gulf will forever yawn between them.”

These were sentiments uttered nearly four years ago. They were, alas! prophetic. That gulf has opened before the martial tread of a million of the soldiers of the North. That gulf opened at Bull Run, still yawns between the sections, and unlike the one in the Roman forum refuses to close, although into it has already gone a large part of the pride and the glory of the North. Alas! there seems to be no Curtius now, no warlike virtue so precious, whose self-immolation will close the yawning chasm. I am afraid with the terrible aggravations of the strife, the fierce relentless hate that civil war engenders, it will be only for the future in the vigorous language of a Southern bard:

" Peace while we're peaceful: but Union, no, never,  
The lightnings of Heaven have rifted that chain,  
Whom war puts asunder, no juggle can ever  
With blasphemous vows bind together again."

There is no man, my friends, who will not, if he is honest, confess that each day, nay, each hour of the continuance of this struggle brings us the evidence of the awful complications in which our National affairs are involved. The conviction is every day and every hour strengthened, that we are engaged in a strife most terrible—most lamentable—and none the less so, because we all are, for the moment, forced to the conclusion that it will go on for some time longer. Every day, however, demonstrates that desperate as the struggle is, the ultimate purpose which alone makes war respectable—viz.: peace—is not to be attained through the sword. The sword and the bayonet, in a civil strife like the present, between two such peoples, can never help to the proper disposition in the minds of either section for a wise adjustment, and can never take the place of civil wisdom, without which all the triumphs of the battle-field are useless. Soon, whatever may be the result of single battles, diplomacy must take the place of war, or else anarchy, or the resolving this government into a military despotism must be the result. The idea of this strife continuing for two years longer, with the prospect of increased carnage, stagnation of business, inhibited commerce, is too much for any man, unless it be a shoddy contractor or a speculator in gold, to contemplate with composure. Sooner or later, by that rough experience, fearful suffering, that has already come, and will be fearfully aggravated by the continuance of the war, if not by the more prudent councils of a wise forbearance, the hour for compromise and settlement must come. In view of the immense interests at stake, both for ourselves and those dearer than ourselves, our children, we must endeavor to hasten its coming. It is only fools or knaves who still continue to declare that we will not treat with rebels—we cannot hold parley with those who are striking at the nation's life. An absolute monarch may talk about crushing our turbulent subjects; but a free Government, whose foundation stone is "the consent of the governed," can have no desire, nay, no right, to crush out its own citizens, so numerous and so powerful, and who have already proved so respectable, both in ability, prowess and endurance, as those in arms against us. There can be no truth more undeniable than this, that when Northern States fight against Southern, upon the pretext of saving our national life or nationality, they fight for a sham or a shadow, like the dog in the fable, who, on snapping after the shadow of the substantial meat

between his jaws, lost the meat itself by the operation. Nothing makes our Constitution a mass of glittering generalities, and our Union a rope of sand, more quickly than civil war. It is simply the dream of a madman to think of enforcing a Confederation, and maintaining the supremacy of the Constitution in a free Republic, by the sword. The men who gravely propound such a theory as this are either knavish, or profoundly ignorant of the great lessons taught by the analogies of history. If history "is philosophy teaching by example," let such men go to her school, and quickly unlearn their folly. Civil war never yet made friends or strengthened the bonds of confederations and alliances. Mr. Seward had a glimpse of this truth; but it was with him "like a tale told to an idiot;" it made no impression; when he said in his letter to Mr. Adams in 1861—"Only an imperial or despotic government could prove the right to subjugate disaffected and insurrectionary States. *This Federal Republican system* of ours is the most unfitted for such a labor." Why? Because being founded on the consent of the governed—the free choice of a free people—you never can reduce any portion of that people to submission by the coercion of arms, without shattering to pieces your whole fabric, and creating a despotism in its place.

. Who honestly believes for a moment that a continuance of this war "will form Union, establish justice, insure domestic tranquillity, promote the general welfare, and secure the blessings of liberty for ourselves and our posterity?" And yet, these are the only objects for the securing of which this Government was created. Says Machiavel, in his "Prince :" "A commonwealth or republic must be ruined in order to keep it a conquered province; the spirit of its people must be crushed out, and the spirit of its laws first overthrown;" and, therefore, to coerce the Southern States into subjugation, now the avowed policy of the Administration, is tantamount to the overthrow of their republican institutions and to their ruin. That they, after being coerced, must cease to be free States in the Confederation, is obvious to the most careless observer. Having, in a moment of partisan madness and blindness, refused concession and compromise, and accepted the fearful alternative of war, the Republican party and the Administration, with the disaster at Bull Run startling them from the overweening confidence in which they reposed, fell into another delusion, when they passed in Congress their far-famed resolution: "That this war is not waged on our part in any spirit of oppression, nor for any purpose of conquest or subjugation, nor for overthrowing or interfering with the established institutions of the Southern States; but to defend and maintain the supremacy of the Con-

stitution, and to preserve the Union, with all the dignity, equality, and rights unimpaired; and that as soon as these objects are accomplished, the war ought to cease."

These were high sounding words, truly—but it never appeared to have flashed upon their minds that a war against States, that had thrown off their allegiance to the central government by its inexorable logic, most remorselessly trampled into the dust, such platitudes as these. Upon whom were the energies of the Government to be expended to produce these results? Why upon States in revolt against the Constitution and the Government, not upon a few rebellious citizens of States, but upon States in their organic capacity, who had taken possession, not only of the local State governments, but had organized a central government, in direct antagonism to the Government with which they were at war—against a people who were a unit in the stand they made, and had, in bloody conflicts, shown their determination to throw off the Union as a hated thing. As the keen forecasting statesmanship of Mr. Douglas very early discovered—"Subjugation, extermination, or separation must be the result of a war between Northern and Southern States." Either one of these conditions was in direct antagonism to the idea of "maintaining the supremacy of the Constitution," or of "a restoration of the Union." Such an idea to his clear, logical mind was a simple absurdity. In fact, he more distinctly enunciated this idea when he said in the Senate—"But coercion must always be used in the mode prescribed by the Constitution and laws. But the proposition to subvert the *de facto* government of South Carolina, and to reduce the people of that State to subjection to our Federal authority no longer involves the question of enforcing the laws in a country within our possession; but the question of subjugation, abhorrent to every principle of our Government and Constitution." He never changed those views until hunted to death by remorseless creditors, prostrated in mind and body, with the death shaft in his side, he was returning home to die, like the wounded stag,

"In the place where he was roused."

I accept the views of the statesman "towering in his pride of place" in the United States Senate, with every physical and mental faculty in full fruition, and patriotic apprehensions and impulses stirring and throbbing in his great heart—to the sickly jaundiced sentiments that were forced from him in his weakness by an Abolition crowd, who but a few years before persecuted and reviled him.

Has not the question of the war at last reduced itself to the alterna-

tives predicted by Mr. Douglas? Can there be any possible settlement except upon the basis of subjugation which will be the result of submission, annihilation, or separation? Sooner than the first two, in God's name, in the name of common humanity, I say separation a thousand times. In looking at the consequences to spring from this struggle, we are too apt to look upon it as an ordinary conflict, a simple war; but it is something more than this—it is a civil war—the most demoralizing and destructive of all wars that stamps the die of its date upon the memory so deep that centuries fail to efface the impress. The heathen poet, Lucan, in his *Pharsalia*, fully understood the character and nature of it. In that poem, the atrocities of the Marian civil war are brought most prominently forward in the narrative. The beautifully cold, classic heathen mythology has here no place. The supreme powers that hover above the fields of slaughter are the local deified men and heroes, and the evil spirits of the country. The ghost of Sylla rises in the field of Mars, and the dead Marius is seen to break open his sepulchre on the banks of the Arno. A corpse is taken from the field of battle, the spirit forced to re-enter it, and tell what it has seen on the field of death. The tortured ghost beholds Cincinnatus, the Decii, and the Curii, patriots of Rome weeping and wailing—while Marius and Catiline are seen bursting their chains and shouting applause. This is but the shadowy outline of a bold, truthful picture, sketched by a heathen artist, whose soul was fully alive to all the horrors of civil war, whose wonderful genius understood so well how to mingle the gloomy repulsive shades of horror and guilt that pertain to the subject. There is all over the picture the evidence of what Ruskin calls the "imagination penetrative." As one dwells upon it, the eyes seem to become bloodshot, and strained with a fierce horror and deadly vision. We would we had a literary artist now, that could sketch with half the power, the more fearful picture that is presented here to the shuddering gaze of all Christendom. This vivid portraiture of civil war, sketched so many centuries ago, makes manifest the terrible impression it made upon a mind accustomed to blood and carnage, and who recognized among his gods the fierce god of war. Yet Christian divines, professing the simple, life-giving doctrines of the gentle Jesus, can rejoice over the carnage of our civil strife, and make the strife more horrid still by maledictions upon those once our brethren, that seem fanned with hot blasts from hell, not airs from heaven. Let us, a Christian nation, take warning to our profit from such a revelation by a heathen. In this same poem the poet beholds a vision of Rome herself plunging the dagger into her side, and, from the gaping wound it makes, flows forth a mighty torrent of blood, that deluges whole cities and submerges entire provinces, until the Roman land

becomes one vast red sea of blood. Let any man close his eyes, commune with his own heart honestly, and he will see the same vision that so horrified the patriot Roman.

He may toy with the delusion that it is a contest for the Union and the supremacy of the Constitution—that like the fabled Phœnix, the Republic shall yet spring forth with renewed energy and life from the ashes of this terrible strife; but in spite of the delusion he will find that the dread vision will overshadow him, while the most cruel forebodings will fill his mind as to the future. This is not a war where the foreign invader is met at the nation's threshold, and the pride, prowess, and ancestral glories of that nation are invoked to aid and animate the struggle. It is a civil war, a war of men of the same race, with the same avowed love for liberty in their bosoms, a war where a man's foes are those of his own household, invoking the most deadly passions, and brutalizing the most refined feelings—a war which, if pushed to its inevitable consequences, the conquered must be ground down under the iron heel of despotism or exterminated; and in either case, Constitutional liberty must find her grave. We read and mourn over the horrors evoked by the civil wars of Rome. We wonder at the fierce and deadly struggle of the middle ages of Italy, the Guelphs and the Ghibelines—but

“Mutato nomine de te  
Fabula narratur,”

change but the name and the story is told of ourselves. Every victory is a victory over ourselves, every wound inflicted penetrates our own vitals. It is the suicide of a great nation, unless the warlike steel can be snatched from hands that are bent upon consummating the deadly work.

If such a war is not to cease, if the stronger section, the North, that professes not to be swayed by the impulses of passion and revenge, refuses to make overtures of reconciliation, it becomes a war for subjugation or annihilation. I would not do despite to the memory of my fathers—to our Anglo-Saxon lineage, by admitting the possibility, that any ten million of our own race could be subjugated by any force the North may bring against them. You may annihilate, but subjugate never. Their blood, like our own, “was fetched from fathers of war proof,” and in many a gallant struggle since this war commenced, they have shown that it has lost none of its martial fire. Think you these men will consent to live for one hour beneath the military sway of the North as conquered provincials, even admitting you could so hold them, which I deny, under a Constitution framed for the purpose of “securing the

blessings of liberty for ourselves and our posterity." Remember that those hearts once throbbed with your own, like the hearts of twins, which have rested under the same maternal breasts. They throbbed in unison, like, to use the German phrase, "the hearts of brothers, who together have attained the baptism of blood and fire." Make their case your own, and then tell me whether the great North would ever submit to subjugation. Never, never. Annihilation is alike impossible with a nation that professes to wear a Christian heart in its bosom. Besides, all Christendom would justly cry aloud against such a damning deed as this, while the demoralizing influences and usurped powers of the North, that must be evoked to execute such a hellish judgment, would reduce the North to a despotic power worse than Ghenghis Khan or Tamerlane ever controlled. Such results have been accomplished, where the will of the despot was the supreme law, in such devastating wars as the Timurs and Attilas of the human race have waged—when grass never grew where the hoofs of their chargers pressed, and behind them "the smoke of the country went up as the smoke of a furnace." Never surely by a republic whose chief corner-stone was "the consent of the governed," and the object of whose form of government, was to "establish justice and insure domestic tranquillity."

Subjugation or annihilation being alike impossible, I am in favor of an immediate cessation of hostilities, for an armistice—that mid the lull of the strife, the heat of passion shall have time to cool, and the calm, majestic voice of reason can be heard. In the midst of such a calm, I am for endeavoring to learn from those in arms against us, what their demands may be, and inviting their co-operation in the name of a common Christianity, in the name of a common humanity, to some plan of reconciliation or reconstruction by which the sections may reunite upon a more stable basis—a plan in which the questions upon which we have differed so long, may be harmoniously adjusted; and each section, by virtue of the greatness developed in this war, may profit by the experience. If it shall be found that sectional opinions and prejudices are too obstinate, and the exasperations of this war have burned too deep, to settle it upon the basis of reconciliation or reconstruction, then, I know that separation and recognition are inevitable. If there is to be a settlement upon the basis of reconstruction, then reconstruction can only accomplish its ends by introducing into our Constitutional system, a plan whereby for all time to come, section shall be protected against section. The plan suggested some years ago by Mr. Vallandigham bears the stamp of his clear sagacity and statesmanlike forecast—dividing the country into four large sections or masses, and requiring a majority of the representatives from each to consent to a measure before it should

become a law. Mr. Calhoun, notwithstanding the undeserved obloquy attaching now to his name, was, to my mind, the most honest and comprehensive statesman who grappled with national problems; and I make bold here to say that no wiser, purer, more patriotic statesman ever lived. As early as 1849 he foretold this convulsion unless his proposed remedy was adopted. He regarded the institution of slavery at the South as the pillar of their strength, security, and civilization, and its disturbance by foreign elements, as sure to lead to the downfall of the Union. Hence, his theory of reconstruction looked to the permanency and security of that favorite institution, and to removing it far from the reach of intermeddling, Puritanical philanthropy. He correctly held that the more perfectly a government combines power and liberty of the dominant race, the more perfectly it fulfils the end of its creation. He further held that the Government of the mere numerical majority, did not accomplish this in any reasonable degree—hence he proposed what he denominated “the concurrent majority principle,” as better suited to prevent the Government from transcending the limits in which it was appointed it to move, and restrict it to its primary end, the protection of the community from elementary disturbances. This principle was, to take the sense of the community, through a proper organism, which should have a care of interests as well as numbers—considering the community as made up of differing and conflicting interests; and, as far as the action of the government is concerned, taking the sense of each, through its majority or appropriate organ; and the united sense of all, as the sense of the entire community. \* \* \* \*

The tendency of a government to pass beyond its proper limits, he argued, was what exposed liberty to hazard, and rendered it insecure, and that it was the strong counteraction of governments of the concurrent majority to this tendency, that had always made them so favorable to liberty. The tendency of such a government, he insisted, was to unite the community, let its interests be ever so diversified and antagonistic, while that of the numerical majority was eventually to divide it into two warring sections.

It may be that the South might be willing to return upon the adoption of some such system of reconstruction as this. If this plan of reconciliation and reconstruction fails, then a separation must be the finality. I shall deeply mourn over the necessity that compels to such a policy, but will accept it in preference to long years of cruel strife, hopelessly demoralizing our people, prostrating our business interests, and making us the scorn and pity of Christendom. Impartial history will fasten the responsibility where it belongs—and where Mr. Douglas, in his speech of 1861, placed it, *upon the Republican party*, who, to

use his own forcible language, "refused to allow the people at the ballot-boxes, to determine for themselves the issue between revolution and war on the one side and obstinate adherence to a party platform on the other." The only hope I see for the country, is where Demosthenes found it, in his address to the Athenians. "I should," said he, "deject and despair, I should consider your situation as desolate and irreparable, if I did not reflect that you have been brought to this state by weak and improvident measures, and by weak and treacherous men. If your affairs had been managed wisely, if your operations had been firm and steady, and after all you had been seduced to this situation, I should, indeed, have despaired of deliverance; but as you have been seduced by weak and wicked men, I trust you may be recovered by wise and upright governors. Change your administration, and you may yet be saved—persevere and you must be ruined." As to the manner in which this war has been conducted, I have but to turn to the statements of the friends of America in the British Parliament in 1781, and use the words applied by them to the corrupt, imbecile administration of Lord North. I will adopt the words of Powys, who described the conduct of the American war thus: "This whole war has been conducted in delusion, every promise broken, every assertion falsified, every object relinquished. It was now a war for the support of government, now a war of coercion—then a war for the Constitution. Now the rebels are in a state of exhaustion from exposure, without suitable clothes and without food for their famishing bellies; and again, these half-clad, half-fed wretches are discomfiting the best troops we can send against them, or outmanœuvring the ablest of our generals by their strategy—and thus, the people, the house, and the country had been deluded, confounded, abused, and cheated. Evasion led to evasion, trick to trick. He compared ministers in their mad determination to continue this wretched war, to the Spartan, who, in a sea-fight, swam to a galley and seized it with the right hand, which was instantly chopped off. He then renewed the effort with the left, and met a similar catastrophe. The sailors, in the galley, then asked if he meant to persevere. The Spartan answered, 'Not in the same way,' and seized the object with his teeth. The ministry, notwithstanding their bad luck and losses, like the Lacedemonian, were determined to proceed, *but he warned them, when the Lacedemonian did proceed, he lost his head.*"

It may be, my friends, that these sentiments of Powys will not meet the acquiescence of the most worshipful, right Loyal Leaguers throughout the country, and more especially, of the city of Philadelphia. I do not expect they will, and should be surprised if they did. They did not, in 1781, meet the approbation of their antetypes, the Loyal Leaguers on this side of the water, organized during the Revolution to

show their loyalty to King George and their hatred to rebellion. There is a striking similarity in their creeds. The loyal tory, like the Loyal Leaguer of 1863, thought that Government had a right "to erect a multitude of new offices, and send swarms of officers to eat out our substance—to render the military independent of, and superior to the civil power—to subject us to a jurisdiction "foreign to our Constitution, and unacknowledged by our laws"—"to quarter large bodies of troops amongst us;" to "deprive us in many cases of trial by jury;" to take away our charters, abolish our most valuable laws, and altering fundamentally the powers of our government;" "to impose taxes upon us without our consent;" "to excite domestic insurrection amongst us." The Loyal Leaguer of the Revolution believed that King George III., had a right, and so asserted, to resort to such injuries and usurpations, for the purpose of the establishment of an absolute tyranny over these states. The Loyal Leaguer of 1863, believes that the right exists in Abraham the First, and for the same purpose. This is the only difference between the tories of 1776, and the equally malignant tories of 1863. If they are not one and the same, they are so much alike, that we may say of them with Ovid :

"Non facies una  
Nec diversa tamen, qualem deceat esse sororem,"

which may be rendered :

"They seem not one,  
And yet not two,  
But look alike,  
As sisters do."

I do not hesitate to declare in the ears of this Administration, and of the Loyal Leaguers, its allies, that if their war upon the personal liberty of the subject, in defiance of the guarantees of the Constitution, goes on, the time may come when "forbearance ceases to be a virtue," and "resistance to tyrants becomes obedience to God."

The recent assault upon that patriotic champion of the Constitution and the rights of the people, Vallandigham, subjecting him to the secret inquisition of a court-martial, is an infamous violation of every Constitutional provision, and utterly subversive, if submitted to, of every principle upon which free government rests. That all men should yield to the State is beautiful in theory; but good in practice only when the State is the aggregate of legitimate private Constitutional interests, administered by honest persons. The true public interest is composed of the aggregate portion of such private interests—and when the State makes war upon these, in a free government, that assailed interest has a right boldly to assert itself and demand a hearing. In despotisms, pri-

vate interests are not openly heard. They must proceed, if at all, by intrigue and by conspiracy. The interest of the State then becomes,—as it really is fast coming here,—the interests administered by functionaries who advance and keep themselves at the public expense, and put down with the strong arm of unlicensed power those who have the courage to complain. We, as Democrats, nay, as American citizens, only ask (it is all we ever asked) that the great magna charta of our freedom shall be observed, and the guaranteed rights of the citizen secured. Obedience to the Constitution and the laws has ever been with us, and must ever be, paramount to obedience to arbitrary power. Let our cry be in the fearful contest that is approaching—"We will ask for nothing but what is right; we will submit to nothing that is wrong"—and then if our cry is unheeded, let us pray that some Maccabeus shall arise, who will assert the honor of the ancient faith, and defend the temple of his forefathers with as ardent and determined a spirit as that which actuates these innovators to destroy the monuments of the piety, patriotism, and glory of our fathers.

---

#### CIVIL LIBERTY OVERTHROWN.

*Mass Meeting, Mount Holly, N. J., Sept. 28, 1863.*

FELLOW-CITIZENS: I am here to-day, in obedience to the invitation of your committee, to speak a few earnest words in behalf of outraged liberty, and in vindication of that Constitution whose every provision has been most shamefully violated by the men in power. I claim the right, as an American freeman speaking to American freemen, to arraign this or any other Administration before the grand inquest of the American people, whenever their acts have been of such a character as to bring them before that bar for trial. Did I shrink from that duty I should be all unworthy my citizenship, recreant to the principles taught me by a worthy father, and unfit for the enjoyment of those privileges won for me by the blood of a revolutionary ancestry. As an American freeman, I know no such word as loyalty, except its meaning be devotion to law. I know no devotion to any man or set of men. There is nothing in Abraham Lincoln or his Cabinet to call forth any greater devotion in this hour of war than there was in James K. Polk and his; and yet upon this very ground, out of the mouths of men who now arraign us for treason in denouncing the Administration during war, might have been heard, in 1847, the most violent denunciations of James K. Polk and the war policy of the Government. My position is based upon the

theory that I live under a republican form of government, of limited and defined powers and jurisdiction. The people of this country were its creators, and that government is their creature. Their duty of obedience to it is simply commensurate with the powers and jurisdiction with which they have invested it, and, beyond that, it has, and can have no manner of claim of authority over them. The sovereignty of the people is original and plenary; that of the Governments they have originated, for their own welfare, both State and National, derivative and partial. The people, therefore, only owe so much submission and fealty as is correspondent with that measure of sovereignty they have delegated —no more, no less. These men in power are my and your trustees. If they are faithless to the trust, shall not those who gave the power and reposed the trust complain? If agents exceed the powers given in their commission and assume authority the principal never intended to confer, shall not the principal complain without being charged with antagonism to the commission? The Constitution is the people's commission, the Administration are simply their agents; and shall these men violate every fundamental instruction in that commission, and the people (the principal) have no right to complain without being charged with antagonism to the Constitution?

I have yet to learn that one American citizen is under any obligation to approach another American citizen, certainly in no sense more than his equal, with genuflexions or with duckings of the head. Men may "bend the pregnant hinges of the knee, that thrift may follow fawning;" and most of the fealty, loyalty, allegiance—call it what you will—of the Republican party to-day is of this character. But I know nothing of this kind of loyalty, and I leave it to the shoddy contractors, the camp followers, and public plunderers, who are coining the blood and bones of their countrymen, and ride in wealth as the country's fortunes sink. If I choose to question the wisdom, canvass the policy, doubt the integrity, or, if need be, resist the corruptions or usurpations of those who hold and prostitute power in this country, I can assure you I will do it though all the terrors of imprisonment, banishment, nay, even of death, surround me. They tried to teach me not to resist in Fort Lafayette, but I graduated without learning it. If there must be loyalty in a free republic, let it be simply loyalty to the Constitution and the laws. I know no other, and will not bow myself at the shrine of any other.

I hold, and ever have held, that the Constitution is the Union. We have heard a great deal, during this wretched strife in which we are engaged, about preserving the national life. The Constitution and the Union, according to the theory in which I have been taught, are one and inseparable. In fact, the Constitution was made "*to form a more per-*

*fect Union.*" They live in and through and by each other. When the one perishes, the other dies; the destruction of the one involves the subversion of the other—nay, the subversion of the Constitution is revolution, for it changes the whole fabric and frame-work of our Government. I care not whether the blow come from the South or North that is aimed at the Constitution, it is aimed at the nation's life. In that Constitution the reserved rights of the States are there secured—the granted powers of the Government are there defined—those great absolute rights of the citizen, securing free speech, free thought, and a free person, are there. There are the clauses which protect the citizen's person from arbitrary arrests, his property from arbitrary invasion, and his life from arbitrary interference. These are to be found in the amendments to the Constitution that have been most appropriately called "*The Ten Commandments of American Freemen.*" It is true they were not delivered as those of old were, mid the lightnings and thunders of Sinai, but they were no less written upon the hearts of freemen by Divine inspiration. They are God-given rights, to be enjoyed as the air you breathe, or as the water you drink; and the man who would deprive you of them is a tyrant, and the men who would submit to such deprivation are slaves, and deserve to be such.

Now all these sacred, absolute rights of freemen have been ruthlessly trampled under foot by Abraham Lincoln and the members of his Cabinet. "I can touch a bell on my right hand, my lord, and arrest a citizen of Ohio; I can touch a bell on my left and arrest a citizen of New York—has your Queen such power?" said William H. Seward to Lord Lyons. If you, my fellow-citizens, hold these God-given rights at the bidding of such men, then your Constitution has but a name to live, an outer-seeming to beguile and deceive—it is but a delusion and a snare—it is the worthless husk when the golden grain is gone—the empty casket from which the jewel has been stolen. It was for the utterance of such sentiments as these that I was torn from the midst of my shrieking family by the myrmidons of the Administration, and consigned to the damp casemates of one of its vile bastiles, and I am here to reiterate them, and will do it while I have a brain to conceive or a tongue to utter. No man can tell, my friends, how the iron of persecution has entered my soul; how the ban dogs of hate and lying malice have been let loose upon my tracks. I have had to endure the lying tongue of slander, the half-averted countenance of men once my friends, the persecution of members of my own party—that party in the defence of whose principles I have given the best years of my life; but I can bear it all, welcome it all, nay, glory in it all, if I can once more see the triumph of the honest Democracy of the land over the foes of Constitutional

Liberty. Yes, I can bear it all—"hate's yell, envy's hiss, and folly's bray"—keeping my firm gaze upon the future—trusting that that future shall yet vindicate me in that hour when these oppressors of mankind shall call upon the rocks and mountains to cover them from the overwhelming wrath of an indignant people whom they have so basely betrayed.

The men in power to-day who have committed these gross outrages upon the trinity of freedom—freedom of person, of speech, and of the press—pretend to justify them on the ground of necessity, by virtue of what they are pleased to style the war power. Shakspeare, who scrutinized with such keen gaze, the past, the present, and the future, fore-knew the ways of 1863. A plain question being asked by certain citizens of Venice, concerning outrages upon their rights, the Commander-in-Chief

"Evades them with a bombast circumstance,  
Horribly stuffed with epithets of war."

This was the war power as it answered in Venice, centuries ago. It is the war power that answers in 1863, when certain gross outrages are complained of, which, being interpreted, means simply the will of Abraham Lincoln, the Commander-in-Chief, or Ambrose Burnside, Major-General. For a long time this war power of Lincoln was a puzzle to me; but a little scrutiny revealed to me that it was only William H. Seward's "Higher Law," dressed in soldier's clothes. You all remember the Higher Law before it got its soldier's clothes on, and spoke such swelling words out of the mouth of Seward, as "being above the Constitution," and out of the mouth of another Abolitionist, denouncing the Constitution as "a league with hell and a covenant with death." But, my friends, William H. Seward cannot claim to be the progenitor of this Higher Law. It is considerably older than Mr. Lincoln's Secretary of State. It is as old, in fact, as absolute government. It has been the companion and the power behind the throne, greater than the throne itself, of every tyrant since the world began. It was with the old Assyrian and Ninevite monarchies. It sat by the side on the oriental thrones of Tamerlane and Ghengis Khan. It was with Sylla in his bloody proscriptions; it was with Nero when he made a bonfire of Rome and wrapped Christians in the skins of wild beasts, that they might give light at night. It was with Tiberius Cæsar when he declared from his rock at Capre that high treason consisted of thinking evil of the imperial family, and sent thousands to prison and to death. It was with John when its mad teachings stirred up the rebellious barons to extort from the frightened king that memorable declaration—"No man

shall be seized or disseized, neither will we go upon him or come upon him, save by the judgment of his peers or the laws of the land."

It was with Charles I. when he marched down to the House to arrest the refractory members of Parliament, and it only deserted him, with a fiendish laugh, when he mounted the scaffold, and saw him safe in the executioner's hands. The Higher Law was with James II. when he invaded Ireland, repealed the act of settlement, and attempted to suspend the high privilege of the writ of *habeas corpus*. It was with the Puritan rulers of New England when they whipped, hung, and branded Quakers and Baptists in Massachusetts. It was with George III. when he signed the stamp act and the act imposing a tax upon tea. It accompanied John Brown into Virginia, and taught him that Sharp's rifles and Massachusetts pikes were better means to emancipate slaves than the old Constitutional methods. It passed the personal liberty bills in the New England States, and framed the platform at Chicago. It produced the irrepressible conflict between freedom and slavery, and it is now "the power at Washington behind the throne, greater than the throne itself," suggesting and advising Lincoln in all the course of his opposition to the Constitution. But now this ancient and venerable functionary appears for the first time during this century in soldier's clothes, and is called the War Power. He sports the single star, wears the cocked hat, and holds the commission of a Major-General, and there is a more imperious tone to his voice, and a greater emphasis in his commands. He stood by Burnside when he tore Vallandigham from his weeping wife and child by a band of armed ruffians. He whispered to Lincoln, "Banish him," and he banished him. He induced Lincoln to issue his Emancipation Proclamation, to sign the Confiscation and Conscription Acts, and issue his Proclamation suspending the privilege of the writ of *habeas corpus*; and to countenance all those measures which have added ten-fold strength to the Confederate arms.

My friends, did you ever read the German drama of Faust? Faust is a learned German doctor, who, through the agency of magic, raises the devil and sells his soul to him. The devil comes at his call and becomes his servant. He gives him power and dominion over others. Faust has power, but no peace, and every day he feels the tyranny of hell more keenly. In vain he seems to himself to assert the most absolute power over the devil, by imposing the most apparently impossible tasks. One thing is as easy as another to the devil. "What next, Faust?" is repeated every day with more imperious servility. Faust groans in spirit, his power is a curse. He commands women and wine, but he cannot command peace. Finally, he begins to look for a charm in his magical books, by which he may be enabled to cheat the devil about the bargain

he has made; but in vain. Sometimes the devil turns over the page for him, and pointing with his finger says, "*Try that, Faust.*" Finally, time's up with Faust, and the devil vanishes with him at midnight, in such a storm of lightning and thunder as never shook the towers of Wurtemberg before. I have often thought that this drama of Faust was being played over again in Washington, but this time with real characters, with Lincoln in the character of Faust, and his "War Power" as the devil, the juggling fiend to whom he has sold his soul. That war power has lured many potentates to destruction before Lincoln, and there is no reason why Abraham First should prove an exception. Charles First, without a written Constitution, never committed half as many crimes against popular liberty as this Lincoln, under a written Constitution of defined powers, *and yet the Stuart lost his head.*

A few more words upon the character of these outrages, to show how monstrous and perfectly indefensible they are, and I will pass to the discussion of other matters. I have said that these great rights guaranteed in the amendments to your Constitution were absolute rights. Admit the right of Lincoln and his Cabinet to deprive the citizen of his liberty, not in the military service, for an alleged civil offence, "*without due process of law,*" by a telegram, as has been done, and you must admit the right to take your property, nay, your life, in the same high-handed manner; for the same clause that protects your liberty, protects your life and property. Nay, further, admit the right to violate one of these clauses in the great Bill of Rights in our Constitution, and you admit the right to violate all. There is one clause which distinctly says, "no cruel or unusual punishment shall be inflicted." Lincoln has assumed the right to introduce the punishment of banishment in Vallandigham's case—he has the same right to bring back the *peine forte et dure*, the thumb-screws, or any other of the cruel punishments that in the old world so disgraced the annals of the criminal law. If not, why not? If these rights be thus yielded to the unprincipled Administration, I shall be very happy to learn from its supporters wherein Lincoln's government will differ from the despotism of Russia, Turkey, or Persia, or from that of his sable cousin, the King of Dahomey, who claims not only the right to torture and kill his subjects, but to eat them, and it works attainder of blood, if their flesh does not set well upon his royal stomach. Men who, under a written Constitution, with powers expressly defined, contend for the existence of any such absolute authority in an Administration that is the mere creature of the popular will, are either knaves, fools, or cowards. They are welcome to either horn of the dilemma. Most certain it is, they are unworthy the privileges vouchsafed to them by a patriotic ancestry, who declared that "resistance to

tyrants was obedience to God." Certain it is, that the Administration, in assuming such powers, have transcended the authority vested in them by the Constitution, and to that extent should be resisted to the limits of our constitutional powers.

All these abnormal acts of which I have made complaint have grown out of the existence of a civil war, such as no other country has witnessed before, a civil war which has already slaughtered hecatombs of victims, destroyed the material wealth of the country, demoralized its people, and is piling up a frightful national debt, which will weigh like a fell incubus upon your loins and that of your children's children to the remotest generation. It was first pretended that this war was to be waged for the preservation of the Constitution and to restore the integrity of the Union; vain words! or as Carlyle would say, "meaningless, full of abysmal nonsense, and chaotic balderdash," because the Constitution had never conferred the power to make war upon States, under the pretence of crushing out rebellion, and the men who framed that Constitution had said, "a war upon States by the Federal Government, under the pretence of putting down rebellion, would be civil war, and civil war must destroy, not preserve your government," and "the sword may divide, but can never reunite the Union." The war, then, in its inception was an usurpation of power not granted in the Constitution. This war for the Union and the Constitution soon developed itself into what it is now, a war for negro emancipation and Southern subjugation; and as a fitting means to such an end, this abolitionized Administration commenced and still continues its attacks upon the freedom of the white race of the North, that they may crush out of them that spirit of resistance which as freemen they will manifest, but as slaves never. How far the present alarming condition of our affairs may justify what I say you can well judge, as you stand amid the shattered wrecks of your past liberties. Step by step, one civil right after another has been taken away, and now, since the issuing of the Presidential Proclamation, suspending everywhere the privilege of the writ of *habeas corpus*, the parallels of despotism are close upon that last intrenchment of liberty, the ballot-box. For the defence of this, you and I must struggle to the death; for if surrendered, the cause of civil liberty falls powerless beneath the iron heel of the most remorseless military despotism the world has ever known. And yet men professing to be Democrats in the midst of the wreck of their civil liberties, with every right taken away; with the civil courts closed to their appeals; with their personal liberty at the mercy of every military satrap; with not even their homes or family altars safe from the armed tread of a military despotism "that neither slumbers nor sleeps," are still in favor of the war. When their

weeping wives and screaming children may have to witness, as mine have done, the husband and the father torn from their clinging embrace, and have no redress, no court to which they can appeal, no tribunal before which they can be heard; in the midst of it all, their cowardly tongues are talking complacently, blandly, and sweetly "of a vigorous prosecution of a war for the Constitution and the Union." With the Union rended as by the convulsions of an earthquake; with a red sea of blood rolling in a surging torrent between; with the Constitution in fragments at their feet; with all the civic rights that men hold dear trampled beneath the heel of a military despotism; these serene, unruffled politicians, who love policy better than principle, and who would rather forego the loss of every civil right, than the loss of their chances of office—many of whom are now basking in the smiles of official patronage, utter in gentle accents their cry for a still further prosecution of this war, which has already swallowed up all that was valuable of civil liberty, and all that was heretofore sacred as a constitutional obligation.

The crews engulfed and fast going down in the treacherous embrace of the Norwegian maelstrom, might as well insist that the horrid grasp of those wild waters was necessary for the future safe navigation of their already doomed vessel. The whirl of the waters of civil war will never float in safety the good ship of the Constitution and the Union. There never yet was a civil war waged that did not encroach upon the liberties of the people; that did not multiply taxes and tax-gatherers, and did not get the armies of the kingdom more and more under the control of the central power. There is, there can be, no reason why this nation should prove any exception to the rule.

By a political and cunning Administration, through the agencies of a remorseless civil war, the people of the North have been cheated almost entirely out of their liberties; and when every barrier is broken down, this Administration may expect, through a large standing army, to keep and hold every position they have won. It signifies nothing to say that our armies are composed of such men as cannot be supposed to be ever willing to join in any measures for enslaving their country. "Use doth breed a habit in a man." Those soldiers that Burnside sent to drag Vallandigham from his half frantic wife and child, if three years ago they had been told that they would ever have been guilty of such an atrocity as this, must have repelled the suspicion as the grossest insult you could offer them—*now they glory in it.* We know the passions and interests of men, and we have witnessed how easy it is to sway them during the last two years of a remorseless civil strife. Besides, we know how dangerous it is to trust the very best of men with too much power. Where was there a braver army than that under Julins Cæsar, or that

served their country more faithfully? That army was commanded generally by the best citizens of Rome; by men of great fortune and patriotism, and yet they did not in the end hesitate to consent to the subjugation of their country. It is an axiom in the world's history that military and civil power cannot long subsist side by side, without the civil power being forced to succumb.

I have seen enough to satisfy me, my friends, that the Abolition fanaticism of our country has got the control of the Administration, and that this war, once pretended to be waged for the Constitution and the Union, is now waged for the emancipation of the black race, and for the entire subjugation of the white race of the South. That it will, that it can accomplish neither, I am well satisfied, and for such a purpose you may wage a war for twenty years, that shall be fruitless of any results, except in the entire overthrow of civil liberty, and the prostration and ruin of both sections, leaving them an easy prey to the ambitious designs of foreign powers. If you are willing to wage such a war, then do all in your power to keep the present Administration where they are; if not, oppose it at the ballot-box, and under a change of Administrations may come a change of policy which may yet restore peace to a torn and distracted country, build up the waste places, and when in the words of Nicholas Biddle, "These banditti may be scourged back to their caverns, and the penitentiaries reclaim their fugitives in office."

It is astonishing, my friends, what parallels may be found in history for our present condition. History has been declared "Philosophy teaching by example," and it is so to any man who will study its wise precepts. Several confederate Italian provinces to whose courage and industry the Roman Republic in a great measure owed its meridian splendor, despairing of obtaining by fair means the privileges to which they had every reasonable claim, took up arms. They founded a new capital, they constituted to themselves a senate, and they chose Consuls. The mass of the people of Rome called aloud for vengeance on their ministers and politicians, to whom they ascribed the war. A resolute Tribune had the courage to impeach the ostensible contrivers and managers of so unnatural a war. The Roman Senate, though aided by its old enemies, the Gauls, and by many whose patriotism, as in our time, was not quite proof against State artifices and venality, was at last compelled to cede with a very bad grace, those terms which ought at first to have been accorded in amicable compact. During that social war was spilt the best blood of Rome. In less than three years three hundred thousand perished on the field of combat. But there was a still more fatal consequence, for it was in that school that Marius, Sylla, and other aspiring leaders learned their first rudiments of despotism,

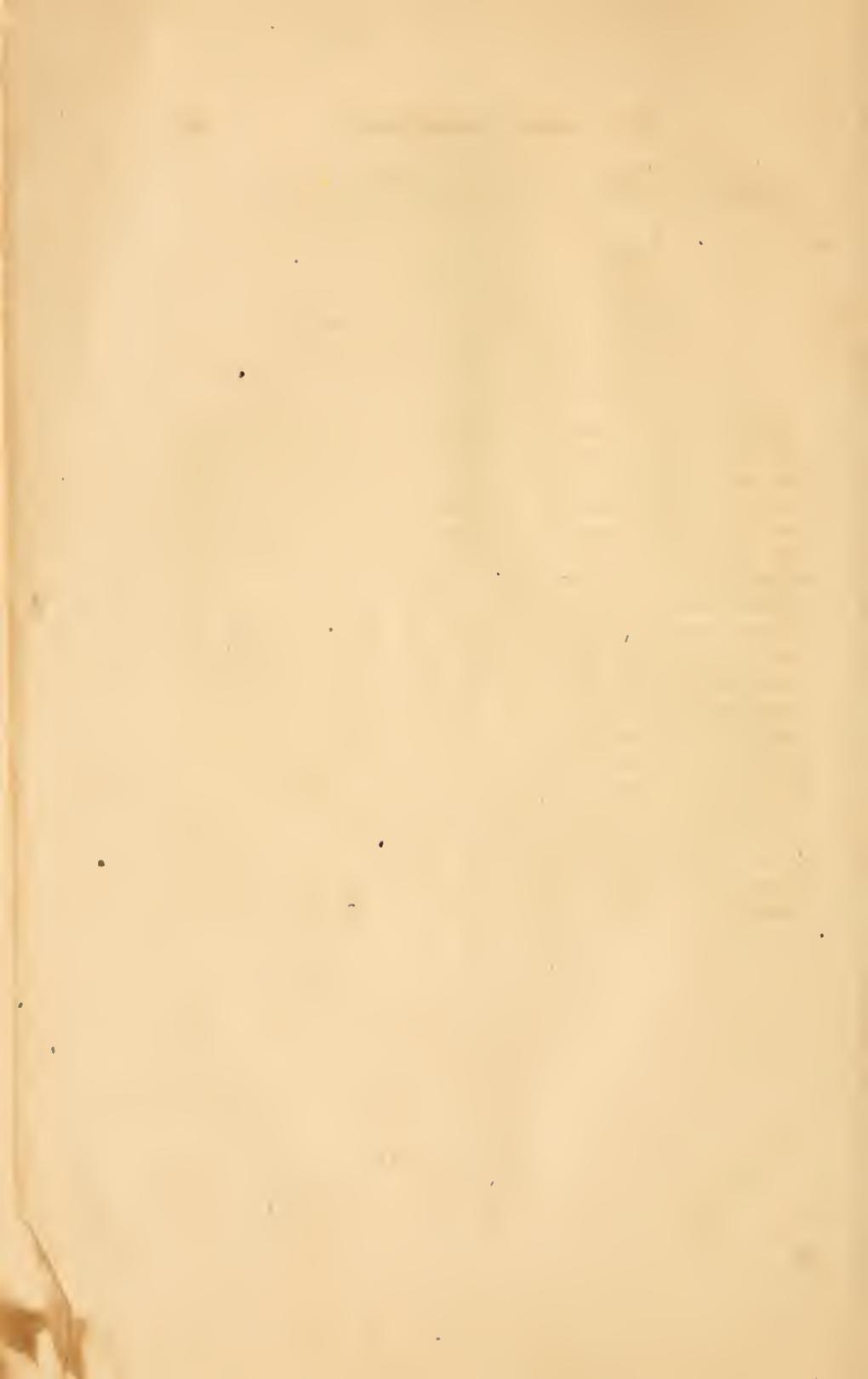
and familiarized themselves to the massacre of their fellow-subjects. The sword unsheathed by order of the Roman Senate and under the authority of the Roman people, to deprive of their dearest rights their associates and brethren, was not returned to the scabbard until Rome herself had felt the sharpness of its edge in her inmost vitals. Familiarized to domestic slaughter and military sway, they could not prevail upon themselves to stop until they had subverted the Constitution and totally annihilated the liberties of the whole Commonwealth.

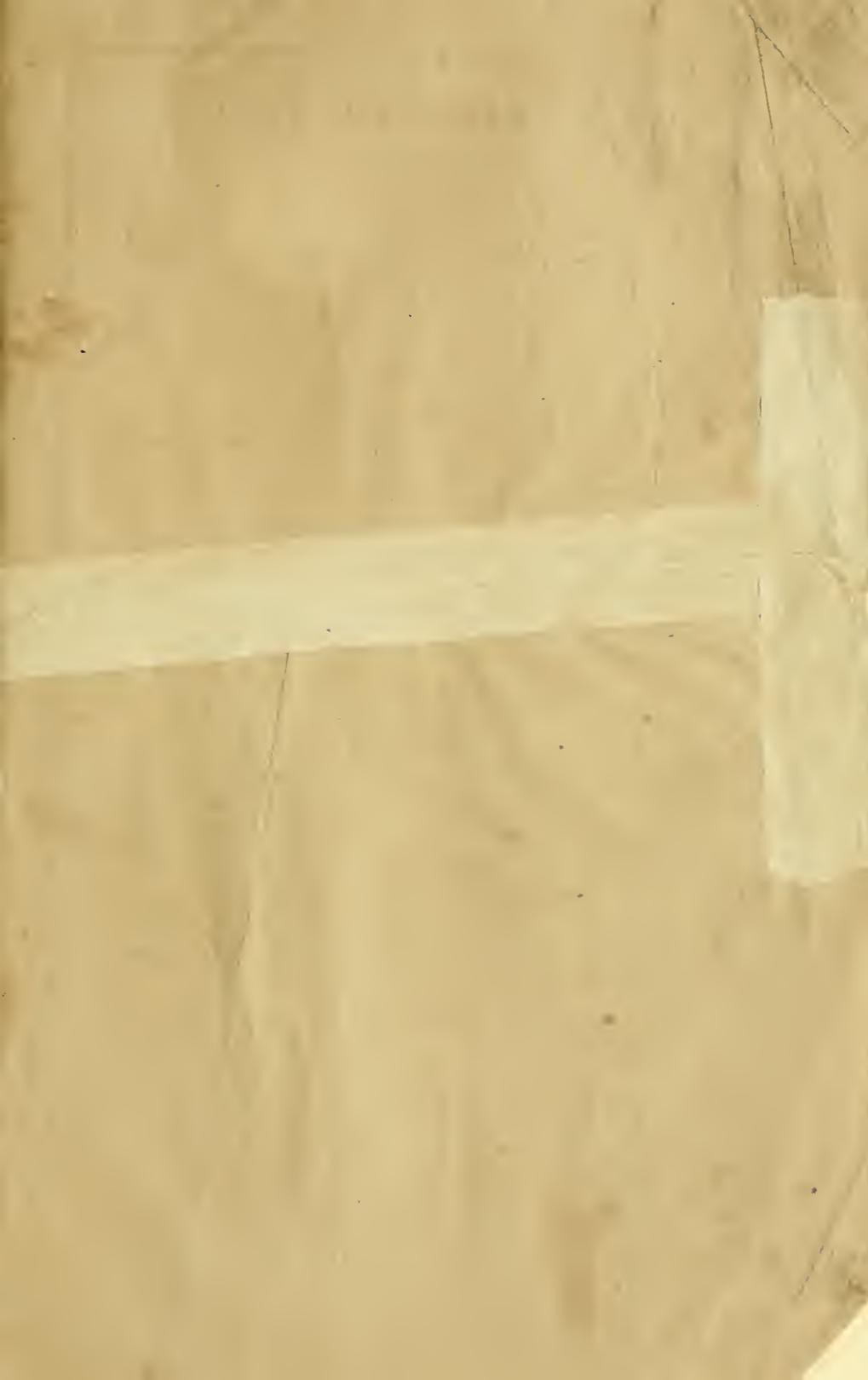
In short, by this war and its results, the Romans were irrevocably undone. Hence the perpetual dictatorship; hence the succeeding triumvirs, and, at length the throne and tyranny of Caesar. History points to these stories of the downfall of nations and the overthrow of their liberties as beacon lights to warn us from those rocks on which so many stately argosies were dashed to pieces. Regardless of the gleams of the warning light, we are madly driving the ship of State upon the same treacherous rocks, and nothing but Divine interposition can save us from the same fate. Mad with the passions of the hour, animated by a blind fanaticism that is reckless of consequences, we witnessed history repeating itself in the same sad story of the past. We heeded not, but pushed madly on, supposing, in our insane pride, that this nation could escape the terrible consequences that have ever followed from the desolating influences of civil war. National vanity and superciliousness uttered great swelling words, and indulged in boasting whose emptiness and vanity have made us the laughing-stock of Europe. After more than two years of a struggle with a foe vastly inferior to us both in numbers and resources, with varying successes, the North finds itself to-day no nearer the accomplishment of its object than when the war begun. Like the earth-born giant of old, the South seems to gather fresh strength from every fall, and to-day is pressing the North with a stubbornness such as she has never exhibited before in the struggle. It is in vain the Republican journals and the Administration repeat the well-worn story of the collapse of the rebellion, the breaking of its backbone, and other kindred absurdities, with which, for the last two years, they have been endeavoring to deceive this people. It is evident that the people do not believe them, for they can discern from the signs around them that the task is no nearer accomplishment, if it is not rendered more difficult than ever.

In the mean time, the effects of the continuation of this wretched civil war are being felt everywhere at the North. Men are learning despotism in the same school where Marius and Sylla were taught. As one looks round upon the condition of our affairs here at the North, we can exclaim with Silius, in Ben Jonson's play of "Sejanus":

"Well, all is worthy of us, were it more,  
Who, with our riots, pride, and civil hate,  
Have so provoked the justice of the gods:  
We, that within these four-score years, were born  
Free, equal lords of the triumphed world,  
And knew no masters, but affections;  
To which betraying first our liberties,  
We since became the slaves to one man's lusts,  
And now to many: every minist'ring spy  
That will accuse and swear, is lord of you,  
Of me, of all our fortunes and our lives."

Our own follies, our own base corruptions, prostituting the elective franchise and putting up our best offices for sale, sacrificing principle for policy, and our sense of right for a base, truckling expediency, have brought this punishment upon us. The times were out of joint; the men were not the same as heretofore. We were base, poor, and degenerate, from the exalted strain of our great fathers. Those mighty spirits lie raked up with their ashes in their urns, and not a spark of their eternal fire glows in our bosoms. Had we followed their brilliant example, and listened to their precepts, the curse of this civil war would not be upon us to-day. Let it be our duty, in the future, to do what in us lies to hold up the memory of these great names, that the people, plague-stricken as they are, may look up and live. We must come back to the early principles of this Government, or we perish as a nation. We must overthrow the party in power, who have shown by their acts the wickedness of their designs, and who are fast breaking down not only the defences that guard our liberties, but those that make out the rights of the States. Consolidation and centralization are the objects and the aims of these usurpers. It is through centralized power, permanently established, that they expect to rear a despotism upon the ruins of what was *once* a free republic.





LIBRARY OF THE STATE OF NEW YORK  
0 012 027 035 7

# BOOKS FOR THE TIMES,

PUBLISHED BY

J. WALTER & CO.,

19 City Hall Square, New York.

• • •

I. Just Published a New Work, entitled

## SPEECHES, ARGUMENTS, ADDRESSES, AND LETTERS OF CLEMENT L. VALLANDIGHAM.

This book opens with a Biographical Sketch, more full and accurate than any hitherto published; after which follow Speeches, Addresses, and other documents; then a Supplement, containing a large amount and variety of interesting matter. The work is thus a very full presentation of the political and personal history of the distinguished Statesman to whom it relates. It is made in the best style, and is in every respect such a book as the numerous friends of Mr. VALLANDIGHAM will be delighted to have. It furnishes also the materials with which to meet his enemies and assailants at any point where they may choose to make their attacks.

The book contains 580 pages, 8vo, with a new steel-engraved likeness. Price, by mail or express, prepaid, \$3.00. A liberal discount to Agents and the Trade.

II. We have also in the hands of the stereotypers a new work, entitled

## Speeches for the Times, by Western Men.

The materials for this work have been contributed by C. L. VALLANDIGHAM, GEORGE E. PUGH, GEORGE H. PENDLETON, R. T. MERRICK, D. W. VOORHEES, and S. S. COX. The Speeches have been selected for this work by their authors; and to each is prefixed a brief Sketch by the editor, giving some of the principal points in the political history of the author. There are three fine steel-engraved likenesses,—VALLANDIGHAM, MERRICK, and COX. The general appearance, style, size, and price of the book, will be the same as the one above named.

III. We have also at the stereotypers, another work of a similar character, entitled

## Speeches for the Times, by Eastern Men;

containing Speeches, Arguments, &c., by FRANKLIN PIERCE, JAMES A. BAYARD, ISAAC TOUCEY, JAMES W. WALL, WM. B. REED, BENJAMIN WOOD, CHAS. INGERSOLL, JOHN McKEON, and THOMAS H. SEYMOUR.

The volumes above named have been prepared with great care and labor, and contain in the aggregate a most valuable collection of political literature bearing directly upon the great questions now at issue. They will be needed by every one who desires to be fully informed in regard to the true causes, history, and character of this life-or-death struggle for the preservation of republican institutions.

IV. **VALLANDIGHAM'S RECORD.** 260 pages, 8vo. Price, cloth, \$1.00; paper, 50 cents. This is the book of which we sold eighteen thousand copies in six months. A few pages have been added, and the work is now selling at a little less than the old price,—very low for these times.

July 25, 1864.

J. W. & Co.



0 012 027 035 7



permalife®  
pH 8.5